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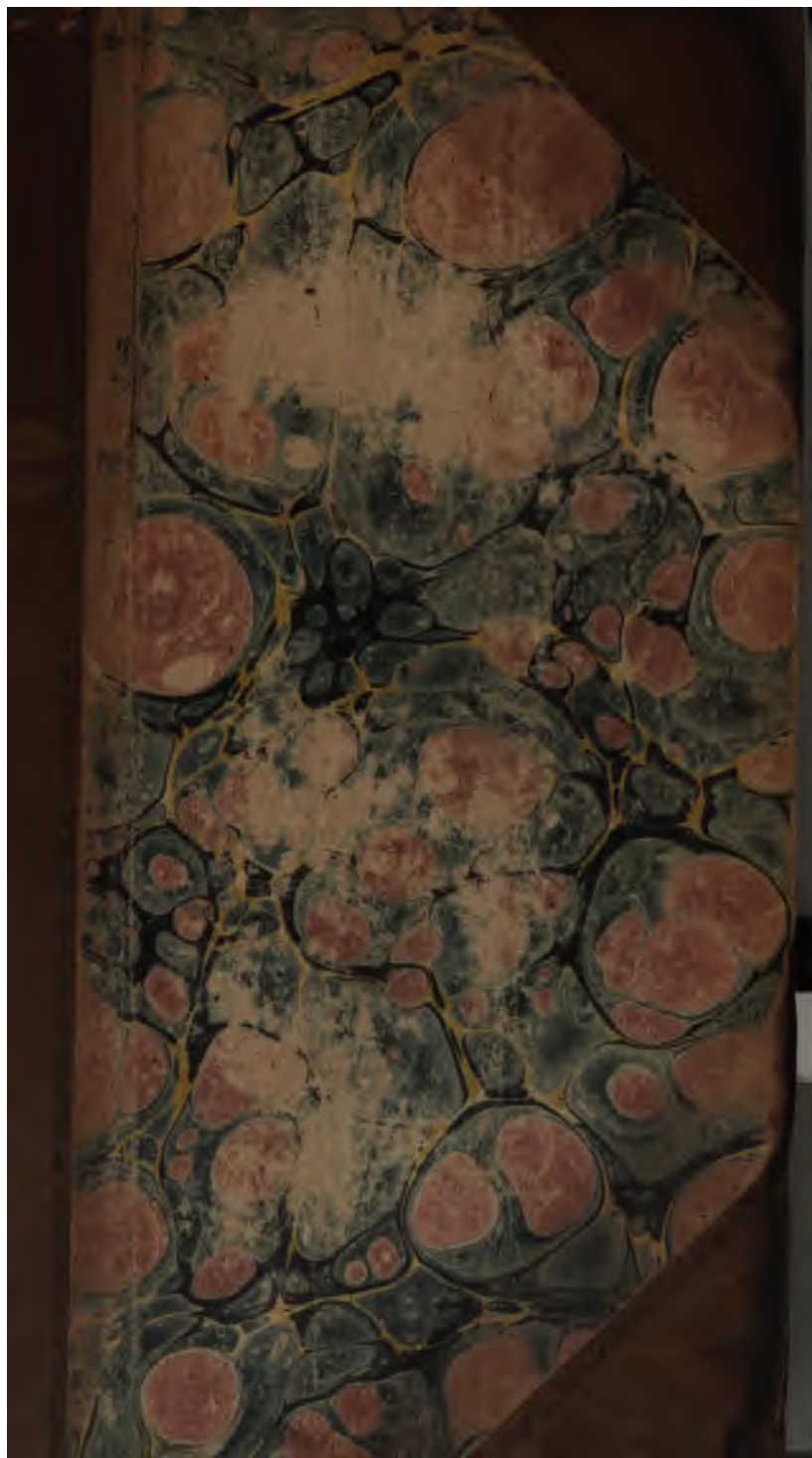
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AN INQUIRY
INTO
THE ANCIENT CORPORATE SYSTEM
OF
Ireland,
AND
SUGGESTIONS FOR ITS IMMEDIATE RESTORATION
AND GENERAL EXTENSION.
WITH
AN APPENDIX,
CONTAINING NUMEROUS ORIGINAL DOCUMENTS,
BY PETER GALE, ESQ. M.A.

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DEDICATION.

TO THE
RIGHT HON. E. G. STANLEY,
LATE ONE OF HIS MAJESTY'S PRINCIPAL SECRETARIES
OF STATE, ETC. ETC. ETC.

SIR,

THE following sheets relate to the Municipal Privileges from which the Irish Nation, after some centuries of enjoyment, were, contrary to positive law, excluded in the seventeenth century ; and from which the same people, after two hundred years of persecution and unmerited sufferings, are still, contrary to positive law, excluded, in point of fact, in this the nineteenth century.

By that Nation your talents are known and allowed ; but while they admit your great ability in the Senate, they universally consider that amongst modern statesmen you stand the most

pertinacious and determined, though a most able, opposer of their constitutional rights.

Wherefore it is I address these sheets to you : they contain the tale of Irish wrong gathered from the lips of her enemies ; they detail the spoliation of Irish corporate institutions, and that perversion or destruction of all national rights which immediately flowed in upon afflicted Ireland ; they prove that which neither genius nor tact can justify or refute, and for which Ireland *perhaps* may yet see you, when thoroughly informed and convinced, applying, as all should hope and trust, the wisest and most liberal remedy.

I have the honour to be,

Sir,

Your obedient and humble servant,

PETER GALE.

Park Street, Westminster,

1st of July, 1834.

PREFACE.

A CLOSE and intimate acquaintance with some of the corporate towns of Ireland, with their social condition, political feelings, and local grievances, first led to those inquiries which have terminated in the present publication.

It was during my intercourse with those towns and their intelligent inhabitants, that I became conversant with the many, the complicated, and long-nurtured evils of the present corporate system in Ireland. There I beheld that ghastly phantom of *modern* law — a corporation of the nineteenth century — without numbers, without wealth, without respectability, and, in short, without any one quality which could invite obedience or secure respect, sitting like an incubus on the trade and prosperity of the towns, and, demon-like, engendering and perpetuating public discord.

To check this evil, if it were possible, and to bring the nuisance within the grapple of the law, if law could grapple with corporate influence, I

commenced inquiries and proceedings under the guidance of the most experienced members of the bar ; and though originally the particular objects of my attention were purely local, and almost wholly restricted to one or two of those towns, yet, after a time, a general and extended investigation was considered to be indispensable, as well for detailing and explaining special proofs of corporate monopoly and usurpation, as for the due developement generally of Irish municipal history.

These, my more extended inquiries, had not far proceeded before the result became evident, and it incontrovertibly appeared that the most unparalleled instance of usurpation in modern times inflicted upon the rights of any European people, was that by which the people of Ireland were spoliated of their corporate privileges and civil liberties in the seventeenth century ! It was not by force—it was not at first, also let me add, by law, that thus a whole nation was disfranchised ; no, it was done by fraud—by treachery—and principally through means of that bad monarch Charles II. whose venal ministers so artfully, yet tyrannically, wielded an abused prerogative, and so alternately deluded and tortured the Irish with that overstretched power, as to obtain their acquiescence in a deprivation which the law never warranted, and so ousted them of their birthrights after the enjoyment and possession of centuries.

But the main features of this awful tale have

ever been recollected by that intelligent and patriotic class, the town population; hence their uniform abhorrence of every person, principle, or proceeding, bearing the name of, or in any way, however remotely, connected with that body called a corporation; and if (as it is but too difficult to refute) all the privations endured by Ireland, all her persecutions for the past one hundred and fifty years, and, in fact, her present fallen condition, were positively caused, or indirectly brought about by this unjust usurpation of her municipal franchises; so it is likely that the same well-grounded and indignant feeling may gain sanction and confirmation, as political knowledge spreads, and acquire active operation when political power increases.

On this subject, however, it will here at once be admitted, that if the corporate institutions of Ireland were to continue in that capacity or position, in which only the people have known or can recollect them, namely, as instruments of local plunder, local injustice, and local discontent — as parliamentary engines to obtain majorities for every anti-Irish enactment — if such, I say, these corporations were longer to continue, every friend to his country should at once insist upon their immediate abolition, and, in name and fact, their total annihilation. But these recollections, it is fair to state, extend only to the days of their usurpation and abuse; and in the ordinary progress of human

affairs, what institution is wholly exempt from either? Moreover, we must admit, that the most important national establishments are those most likely to be affected by revolutions; Ireland, unfortunately, has had her revolutions, and under the effects of one (perhaps that the most fatal and decisive) of these, her ancient and valued corporate establishments have since continued to labour. During, and since that period, the reminiscences connected with corporate bodies are odious and abhorrent to the country; but before they were thus revolutionised—before that lamentable epoch—our corporations ranked—and let the fact be proudly remembered—amongst the wisest, freest, and most salutary of our legal and social institutions.

It is with this conviction, and to remedy pre-conceived opinions, that I have in the following work gone so fully into the original condition and situation of corporate towns and their inhabitants. In doing so, I hope the detail of their principles, rights, and privileges establishes the following facts:—That whatever these corporate institutions may have practically been while in their present condition, and however all should seek for their immediate extinction, if such present condition seemed likely to continue, yet in their origin, and for centuries, they were the nurseries of a free and independent race—they formed the limits within which slavery or tyranny dare not enter—they

were the privileged places where men had equal rights and equal liberties — they were the sources whence the third estate, or commons, principally derived their present parliamentary importance—and they, with their well-earned privileges, which secured them against both prince and peer, mainly nurtured and matured what is now called popular power.

These recollections of what corporate bodies were, may give some notion of what they might still become. Within them are yet to be found the valued principles of self-government, which in a country situated as Ireland is now cannot be too highly estimated,—within them the purity and wisdom of past times have provided for the due and impartial administration of justice between men, and what greater benefit could the country enjoy?—within them were designed the machinery of judicial courts for yielding cheap, effectual, and undelayed justice to local suitors, without the expense and delays of more distant tribunals,—within them can yet be traced the funds and provisions which (now to a great extent perverted) a wise benevolence originally set apart for the poorer inhabitants,—within them, on a most salutary and common-sense principle, it was always enjoined that that citizen or burgess should reside who obtained the solemn trust power of voting on their rights, liberties, and lives in parliament,—and within them laudably

were provided preeminence and station as rewards for those who, independent of the accidents of birth or fortune, virtuously exerted themselves for the public service. Now, if in this summary there be some, and some only, of the advantages likely to flow from a restoration of the corporate institutions of Ireland, I am sure, after the public mind is duly and rightly informed, every unfavourable prepossession against establishments capable of such good, may early and fully be overcome.

But it was not alone to remove these prepossessions and smooth away popular antipathies, that I was induced to publish the result of my inquiries. No, another, and perhaps a paramount object, was also contemplated. It was a matter of notoriety that some government measure of corporate reform was in preparation for Ireland; at least some such measure had been publicly mentioned and even promised. The hopes, however, held out, and the promises made in the same quarter, as to measures for extinguishing tithes in Ireland, for providing an honest jury bill, and above all for reform of the corrupt constituencies and representations of towns, with the manner in which these hopes have been realized, show what little the country can expect from such promises. The universal disappointment then experienced is not yet forgotten; and we can now place but little reliance on any remedies or restoratives.

coming weakened and stinted from the same reluctant source.

Deeply impressed with this conviction, I have laboured to show the country what should be the extent and amount of municipal reform; what really are the rights and privileges to which the inhabitants of towns should be restored; and I have endeavoured to point out the immunities, the inheritances, and the estates which were incident and attached to our incorporations before the spoiler found place amongst them. With such information the country can decide what ought to be conceded or restored—the people can ascertain the full extent to which they are entitled—and these points once gained, all cares and uneasiness about the promised *half-and-half* reform (now secretly hatching) must wholly and at once be removed.

Such were the circumstances and motives which led to this publication; and after a close and scrutinizing review of all that has been collected on the subject, I do sincerely believe that the parliamentary measure most likely to make the nearest approach to completeness or *finality*, as to corporate reform, will be a measure of general restoration, with such slight and judicious modifications as may adapt restored rights more completely to the present condition of the country.

Having said thus much, I will now advert to the subject of an extension or new creation of corpo-

rate institutions, as recommended in this work. It appears that there are at present many places in Ireland, which, though of limited extent and population in the days of *charters* and *high prerogative*, are now extensive and populous: it appears also, that since the exclusive corporate system commenced, there were many towns anciently incorporated where the monopolists either became extinct themselves or extinguished the corporate franchises, and so these places are now non-corporate:—in other instances also, it has been found that where most ancient incorporations existed, the “Patron,” as he was called, of the borough sold his rights to the borough commissioners in the year 1800, at the time of the Legislative Union, and absolutely handing up the charter to government, it has since continued to be considered that so he assigned over or surrendered the corporation franchises, and such places now are without municipal privileges.* To all such places, and they are many, where population and other circumstances make it available, I would recommend an extension or new creation of corporate privileges.

Let me not here be considered to be the advocate of restoration, merely from a wish to re-

* Amongst the numerous places of this class the town of Athboy must be mentioned here, as likely soon to occupy much public attention: through the research and public spirit of A. Newcomen, Esq. the town property or estates now embezzled, and valued at 3000*l.* per annum, are likely to be recovered.

obtain what was unjustly taken away ; nor indeed to recommend the extension and new creation of these ancient corporate privileges, merely because at a former period of our history I found they had salutarily tended to the prosperity and happiness of the country. No, neither my advocacy nor recommendation proceeds from these causes merely. But I do advocate both from a desire of witnessing the many and decided advantages which must flow from both these arrangements.

Is it not a disheartening reflection, that amongst European countries Ireland is now remarkable for the paucity of her towns, and the thinness of what is usually described as town population? This, which has been caused by a concurrence of many unfavourable circumstances, is more strikingly manifest when a comparison is made between her and the present number and population of the towns of Great Britain. In Ireland, it appears according to the latest returns, there are only one hundred and thirty-two towns with a population above two thousand, while in Great Britain the towns containing more than two thousand inhabitants nearly equal seven hundred and fifty ! and on taking any higher average the disproportion will be found still greater. This striking contrast between the two islands in a matter of such exceeding importance deserves deep consideration ; and there can be no friend of either country but from the most prudential motives

must desire, in this respect, some reasonable assimilation. In England, according also to a late census, the agricultural families, in proportion to those engaged in trade, manufactures, and handicraft, only rate as seven to eleven; while in Ireland, at the same period, that part of the population engaged in agriculture alone averages more than three times the number of the latter class. This enormous disproportion exhibits the real condition of the two countries in the truest light; and the contrast removes all doubt as to the present disadvantageous position of Ireland. To remedy this their situation, as far as it may be found practicable or possible, should be attempted; and it therefore appears reasonable, as a means towards that desirable end, that the increase of town population in Ireland should now by extension of local privileges, and by every other reasonable concession, be fostered and encouraged.

Though this one advantage, now noticed, cannot be exceeded in real importance to the country, yet there are many others of a valuable and most desirable nature, which must also follow the restoration and extension of these municipal immunities, and their consequent promotion of town population. But amongst such advantages, however decisive or however obvious, there is one which some will consider paramount to all others, and it is this; the public mind is now fixed on the reobtainment or restoration of their municipal

rights ; from that subject the attention and feelings of the country cannot be diverted, and on it intensely, if not exclusively, the national intellect, until satisfied, will decidedly rest. Here, therefore, and even in this one point of view, the immediate and effectual restoration and extension must be followed by positive public benefit. For many years Ireland, bent with intensity on one political question, was left behind the rest of Europe in arts, science, literature, and commerce ; at length the exertions of nearly two successive generations settled that (the Catholic) question, and looking round her, Ireland had the mortification to feel that except during the brilliant though limited era of 1782, she alone had been stationary amidst the general and rapid advancement of mankind—and this merely because her mental energies had been exclusively directed to relief from the gross injustice, civilized bigotry, and systematic barbarity of her former rulers. It is hoped this lesson will be recollected, and that none will now make any similar attempt to delay justice, or distract and divert the national mind.

As one of the landed proprietors of Ireland I am naturally interested in her welfare—as a member of that (the Protestant) establishment, in whose name such irremediable wrongs were for centuries done to Ireland, I feel it a moral duty to claim justice for that country—and as a native so long

resident, having close intercourse with her people in the respective capacities of neighbour, country gentleman, landlord, and magistrate, I can from experience declare that both the people and country are deserving of man's best exertions.

.

ACKNOWLEDGEMENTS.

IN the following sheets there will be found much documentary and original information, collected by the author from a diversity of sources. Part of this was derived from the public archives and government repositories, and part from the learned research and local knowledge of several gentlemen, for whose liberality the author must always feel thankful.

The important documents relating to the situation of corporate rights in the towns of Ireland between 1641 and 1700, and explanatory of the manner in which the inhabitants were illegally excluded from their privileges in such places, the author obtained from the STATE-PAPER OFFICE, WESTMINSTER, under permission of the RIGHT HONOURABLE THE VISCOUNT MELBOURNE, who was pleased to throw open that valuable store of evidence to his inquiries.

Next in point of value, number, variety, and extent, it must be admitted, are the MANUSCRIPT COLLECTIONS IN THE BRITISH MUSEUM. These were

examined, as far as an individual could explore a collection of such magnitude, and to which, as yet, no proper digests or indices have been formed. The freedom of access, however, and attention to public convenience exhibited in the rules of that institution, would lead to the wish that there were transferred thither many collections now under care of officers who, neglectful or ignorant of their duties, though extremely tenacious of their official profits and authority, are obstructions in the path of every historical inquirer. To this national repository all such collections should be sent, due arrangements being made for preserving their present legal authenticity, as also for the preparation of calendars, indices, and other facilities for perusing and examining their contents. The notion also of handing over, under certain arrangements, several of the collections now in public offices, at a yearly rent, to individuals or companies, who would have a positive interest in making them *accessible* to the public for *reasonable* profits, is a project which may meet the views of the Chancellor of the Exchequer, but still is open to objections; however, even by either plan, the public interests would be comparatively much benefited.

In the ROLLS CHAPEL, CHANCERY LANE, the author was extremely fortunate: he there received every attention and information from the officer, T. PALMER, Esq. who even gave him the full

benefit of those valuable manuscript collections which he has made respecting the royal charters and franchises of Ireland. It is a rare circumstance for the historical inquirer to meet in the record repositories a man like Mr. Palmer—overflowing with that information in quest of which you visit his department, he, with all the advantages of nearly forty years' official experience, is ever willing to guide and aid your inquiries. In such men the public have a positive interest, and when the present evils of patronage in those offices are abolished, from such men, and *from such* only, must the heads of departments be selected.

Much information of the first importance was obtained as to the proceedings by *quo warranto*, &c. in the Treasurer's Office of the Court of Exchequer. But this information the author could not have reached were it not for the politeness of JOSHUA NUNN, Esq. whose public services and high character long pointed him out to the Crown as best qualified for the office of patentee in that department.

The GRANT OF TOLLS and the writ of election issued by OLIVER CROMWELL, to be seen in the Appendix, were obtained from THE TOWER. But the fees charged in that repository being SIXTEEN SHILLINGS AND EIGHT-PENCE FOR THE MERE INSPECTION OF ANY ONE DOCUMENT, precluded the author from any extended inquiry there.

To GEORGE HATCHELL, Esq. Rolls Office, Dub-

lin, the author returns his thanks for his great willingness to assist and expedite the inspection of the records and enrolments in his custody, and also for some useful information which he was so good as to furnish.

By the local information of A. M. MOSSE, A. NEWCOMEN, JOHN DILLON, and THOMAS HAUGHTON, Esqrs. the following sheets have been enriched; and it would be unfair to pass over the name of Mr. JOHN CAMPION, whose information as to the spoliation of Maryborough town-estates, &c. was both accurate and satisfactory.

But to M. HACKETT, Esq.—who, possessing the confidence and esteem of the immortal GRATTAN, had on his behalf encountered so often the vicious workings of our present corporate system—the author is largely indebted for practical and valuable knowledge; and alive to the ruinous consequences produced to the country by modern corporate monopoly, as well as indignant at the acts of those who, after spoliating all individual rights, wickedly perverted the most ancient and valuable institutions, he always liberally and zealously co-operates in any exertion towards their general restoration.

Some documents, cited by former writers, have been inserted in this work from the Record publications of SIR FRANCIS PALGRAVE, on the grounds that chiefly in his editions such documents have undergone the latest revision or comparison with

the original enrolments. Sir Francis has published so extensively on the baronial and corporate history of England, that it is a matter of equal regret and surprise none but a few unconnected or scattered records respecting Ireland appear in his works. This, however, may rather be attributable to the Record Board under which these publications are produced.

From the works of WILLIAM PRYNNE, and other ancient documentary compilers of the same class, collections were made for this work : the “*DESIDERATA CURIOSA HIBERNICA*” also of Mr. Lodge, afforded valuable materials, as did other publications of that description. The writings of the author’s friend, BUTLER BRYAN, Esq. Barrister at Law, abundant as they are in wise views and patriotic principles, were not left untouched.

But, as every writer must hereafter do when treating of the *legal, parliamentary, baronial, or corporate* history of Ireland, the author was obliged to take largely from the mass of original evidences which are to be found in the “*VIEW OF THE LEGAL INSTITUTIONS, HONORARY HEREDITARY OFFICES, AND FEUDAL BARONIES INTRODUCED INTO IRELAND,*” and in the “*LAW OF ELECTION IN THE ANCIENT CITIES AND TOWNS OF IRELAND,*” by WILLIAM LYNCH, Esq. F.S.A. To his friendship in other respects also this work owes much, for no sooner were the objects of the work made known, than he gave the most unlimited access to his

extensive manuscript collections from the original Records: to these manuscripts the reader is indebted for the several original cases and decisions which are to be found in this volume; and owing to the absence of ancient reports of law cases heretofore in Ireland, these decisions are now for the first time laid open to the public. The author, hence, is fully aware of the obligations in which he is held to this gentleman, who has done at least as much in several branches of ancient learning (and particularly the *legal* history of lay and ecclesiastical dignities) for Ireland, as even SELDEN effected by his writings on similar subjects relating to England.

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THE
ANCIENT CORPORATE SYSTEM
OF IRELAND.

CHAPTER I.

Origin of Corporations in Ireland,—fixed between 1170 and 1189.—Privileged places,—originated in acts of the Crown, of prelates, or of lords of liberties.—Nature and extent of the liberties originally granted—also granted before the year 1300,—others granted between 1300 and the year 1500.—To whom granted, heirs or successors.—All such privileges only during residency or occupancy—burgage tenure and landgable reserved.—Subtenants ordered by Charter to partake of the Liberties.—Ordinances.—No corporate privileges but to those occupying holdings, and couchant and levant, and at scot and lot with resident burgesses—these qualifications and right exemplified by many proofs, particularly by statutory enactments of the fifteenth century—by royal orders and instruments in the State Paper-office at the Restoration—and also by the right of election, which is still preserved in many places.

THERE is no portion of our history more gratifying to consider than that which develops the origin and enfranchisement of town communities, with their accompanying blessings—an ameliorated condition of the people, and a more equa-

ble distribution of influence and liberty through our social arrangements.

At whatever period this invaluable system originated in England, or whatever doubts may have been raised as to this important epoch—whether England obtained such institutions from her Norman invader, or had enjoyed them previously for ages under her Saxon kings—in Ireland, the period of their origin is fixed beyond dispute, and even the precise time when created or founded may nearly also be determined.

The laws and institutions of England were first introduced into Ireland under King Henry the Second, about the year 1171; and as the ancient corporations of Ireland plead an existence from *time immemorial*, or from some period commencing in or before the time of *legal memory*, being the year 1189, so their origin becomes fixed between the two years just named.

Many charters and ancient writings relating to the establishment and formation of those bodies still exist; and the tenor of them leads to the fact, that on each place or community incorporated a privilege or exemption was conferred, whereby the inhabitants of such place, or members of such communities, were exempted from all the servile burthens or slavish duties to which the great bulk of the population in general were legally subject during the reign of Henry the Second, and even for some centuries after. To detail at

length such services and duties will not here be attempted, as, in reciting the privileges or exemptions conferred on those places, it is easily seen what were the burthens from which they were relieved.

To proceed at once on a general yet accurate outline of the principles on which these incorporations were formed, it is necessary to observe that, of the municipal institutions of Ireland, some owed their privileges to charters from the crown ; some to charters from prelates ; while another class, and they not the least numerous, had their privileges conferred on them by peers, being lords of liberties, or exclusive jurisdictions. To sustain this position, there is collected a specimen of each of these three classes, and whether the charters be considered original or confirmatory merely, it will be found that the prelates and peers made their grants as absolutely, and the rights derived under them, whether parliamentary or otherwise, were held as inviolable by kings in succeeding ages, as if such grants had been made by the crown itself.

See early
Charters by
the Crown,
by Peers,
and by Prelates,
Appendix, Nos.
I. II. III.
IV. V. VI.
and VII.

The effect of these grants, as gathered from an inspection of many of them, original and confirmatory, from the year 1172 to the beginning of the thirteenth century, will be found to be as follows :—

In the first place, a grant of the soil, or ground, on which the incorporation was formed, and this

SOIL AND
FOUNDA-
TION.

generally at an annual rent, sometimes specifying the number of acres for each burgage ; frequently with grants of commons, common of woods, common of mountain, waste places, &c. with express clauses that each should better himself in buildings and improvements, with power to set or dispose of tenements, or make tenants, as it is frequently said, but that such should be held in free burgage by service of landgable, as some charters have it, while others, more numerous, expressly direct that all tenants so made should have common liberties with all other the citizens and burgesses.

PORTS, RIVERS, WATERS, &c.

There is also a grant, not unfrequently contained in those charters, of the port or arm of the sea (if such there be) to the new incorporation ; or in some places a grant of the river, with the fishing thereof, &c.

SELF-GOVERNMENT. ADMINISTRATION OF JUSTICE. EXCLUSIVE JURISDICTION.

A grant of a hundred court, or court of justice, held weekly or otherwise ; by that court only and the customs of the place are the incorporated to be adjudged in fines, in their debts, or in lands and tenements ; in such court and by a jury are they to clear themselves upon appeals of murder, and are not to be put to their wager of battle ; and they are exempted from certain pleas and accusations—that they are not to plead outside their walls, or in any court save their own, unless in pleas respecting property held by them else-

where; that they may distrain their debtors by their chattels, if any within such jurisdictions, &c.

No officers or persons to take lodgings or entertainments from them against their will: that none of them be forced to bail any person, even his tenant; and that their sons and daughters when of age, and their widows, may marry without seeking out licence from their lords: that there be no custody or wardship of their children (minors) by reason of any lands they may hold elsewhere.

That the incorporated be free from all tolls, lastage, passage, and pontage, sometimes throughout the king's dominions, but sometimes only to the extent of the grantor's power: that any person taking tolls from them to the contrary may be distrained by any chattels he may have in their borough; that none of them be distrained or arrested for any debt anywhere, unless he be the debtor or surety; that they may justly hold all their debts and properties throughout the king's dominions: all persons forbidden to disturb them contrary to the above under penalty of forfeiture.

That they may have their reasonable guilds like other places; and this right is generally so granted as to create or confer such guilds, with all the rights and customs then generally belonging to guilds elsewhere.

FOREIGN-
ERS, STRAN-
GERS, OR
EXTERNS.

No foreigner to keep a wine-tavern in the town.
No foreign merchant to buy of any other foreigner there, corn, hides, or wool, nor from any person but the incorporated: no foreigner to sell cloth by retail; and no foreign merchant with his merchandises, to stay longer than forty days there selling his wares.

This is a general summary of the contents of such grants within the above period; occasionally there will be found other rights of a minor, and frequently of a peculiarly local nature, but the foregoing may be said to embody the general purport of all the usual charters. In the next century the most remarkable grants or additional franchises are:—

MURAGE,
CUSTOMS,
&c.

Grants of murage and other customs for limited terms of years, and for the building of walls and other specific purposes.

ELECTION
OF OFFI-
CERS, &c.
GRANTS OF
FAIRS, &c.

Charters as to the elections of mayors, provosts, and such officers: distinct rights of fishing, &c.: grants of fairs—also occasionally of sack, sock, &c. conveying the high and low jurisdictions, or power of holding civil and criminal courts.

In the two centuries following, namely, between the year 1300 and 1500, the general purport of their additional charters seems to be to grant the following privileges:—

EXEMPTION
FROM OFFI-
CES, SERV-
ING WITH
EXTERNS,
ARREST, &c.

That the incorporated should be exempt from juries without the city or suburbs, while resident in the towns; exempted from offices of sheriff,

coroners, bailiff, and others without, while resident within; that on appeals, trials, felonies, pleas, accusations, &c. they be not committed to prison by foreigners, but by their townsmen; that persons living outside (externs) be not put in juries with them; that they are not to be arrested or imprisoned while they can get bail, except for felony or other enormous offence not bailable; king's justice of peace and of labourers, and other officers, not to enter, except on default, or complaint of negligence of the incorporated; king's clerk of the market not to enter except to oversee, &c.

No king's officers to take their goods, or the goods of others coming to such places, except for the king's use and fortifying castles.

GOODS NOT
TO BE SEIZ-
ED, &c.

That they have assize of bread, beer, ale; custody and assay of weights and measures; powers of clerk of the market; to have all profits of assize and assay; to have returns of all writs, summons, &c. except on failure of mayor, &c. save the four pleas of rape, houseburning, forestalling, and treasure trove; their officers to be justices of the peace and justices of labourers, with cognizance, correction, and determination of all matters to such belonging, and the amercements, fines, forfeitures, and profits thereof.

ADDITION-
AL JURIS-
DICTION
AND OFFI-
CIAL POW-
ERS WITHIN.

That the mayor or head of the incorporation may be sworn into office without going outside the jurisdiction, &c.

HEAD OFFI-
CER TO BE
SWORN
WITHIN THE
JURISDIC-
TION.

TO HOLD A
COURT AND
ADMINISTER
JUSTICE
LIKE AN
EARL, BA-
RON, OR
OTHER PEER
OF IRELAND.

If they be attached outside their jurisdiction, they may hold their court thereupon and administer justice to the complainant, as any earl, baron, or other peer of Ireland would hold his court upon his tenants, &c.

These grants, it must be observed, are in some instances made to the incorporated and *their successors*,* in others to the incorporated and *their heirs*, in more to the incorporated and their "*posteris*;" while in some few instances they are to them, *their heirs and successors*, which latter is that phraseology afterwards almost generally adopted and used during the last four hundred years.

The effect of them was to vest in the congregated inhabitants of such places a distinct manor, seignior, or exempt jurisdiction; in them was vested the soil or foundation for which they owed no slavish service to the king or neighbouring lords; there they made their own laws for their own good government; there they were authorised to administer justice amongst each other without travelling to the king's courts or supplicating at the courts of the neighbouring nobles; from the aggressions, interference, or suits of the king's officers, or the officers of others, they were freed; they were freed from serving civil offices outside

* The legal verbiage of incorporation charters had not become fixed at that early period; to those towns, for instance, where freedom by birth or *heirship* has been allowed from time immemorial, the early charters were granted to them and *their successors* (not heirs) only.

their own jurisdiction; and by these and the numerous other grants above alluded to, they were raised above the dependence and servile condition which the people endured under the then feudal system.

But it will be perceived that all these privileges were founded on the principle of inhabitation, occupancy, or residence; and were only to be acquired and enjoyed by those residing within the borough. This fact may be gathered from the early charters, which invariably recognise the principle of inhabitation and burgage tenure: thus, in the charter granted to Dublin in the year 1192, as already mentioned, it is stated that all the liberties are granted and confirmed “to our citizens of Dublin as well without the walls as within the walls DWELLING AS FAR AS THE METES OF THE TOWN.”

“Tam extra muros quam infra muros manentibus usque ad metas villæ.”

In the charters of Waterford, and other places also, the SAME WORDS AND CLAUSE are expressly contained.

In other subsequent charters to Dublin, Cork, and divers cities and towns, the privileges conferred are expressly granted only “SO LONG AS, OR WHILE THEY, THEIR HEIRS AND SUCCESSORS, CONTINUE TO RESIDE OR DWELL IN SUCH PLACES.”

“Quamdiu moram in eadem civitate fecerint.”

In the above charter of 1192, and also in many others, it is granted, that the places granted were to be HELD IN FREE BURGAGE, AND BY THE SERVICE OF LANDGABLE RENDERED WITHIN THE WALLS.

See Appendix, No. I.

“Residen-
ciam per
proprium
personam.”

And in all the ancient charters generally, as well as those here referred to, this BURGAGE TENURE, and the INCORPORATION OF BURGESSES, the ENFEOFFMENT OF THEM WITH BURGAGES, and the rent reserved on each such burgage, will be found specifically mentioned. There is even an express clause inserted (perhaps then through over-caution) in one of the early charters, whereby it is provided, THAT IF ANY BURGESS, AFTER THE FIRST SEIZIN MADE TO HIM OF HIS GROUND IN SAID TOWN, SHOULD NOT MAKE HIS RESIDENCE THERE IN HIS OWN PROPER PERSON, &c. WITHIN THREE WEEKS, HE SHALL LOSE HIS TENEMENT FOR EVER.

This principle of occupation was so much recognised, that *all those who came in afterwards as tenants under the original burgesses on their waste lands, or by subdivision of their holdings, were entitled to all the freedoms and privileges of the places.* Such certainly formed a class of persons over whom the original burgesses might think themselves entitled to some superiority, but this the policy of the crown and of the law forbid, and to prevent any claim or pretensions of that description express clauses were inserted in the charters. Thus, in the charter of 1192 to Dublin, the king provides, that “the *tenants made by the* CITIZENS UNDER THEM SHOULD HOLD by *free* BURGAGE and LANDGABLE,” which put them on an equality with the citizens.

And in the charters of Kilkenny, Bannow,

Wexford, New Ross, and numerous other places, this power for the burgesses to make tenants under themselves is invariably accompanied by the additional grant, that SUCH TENANTS SHOULD HAVE COMMON LIBERTIES WITH THE BURGESSES.

See Char-
ters, Appen-
dix, No. IV.

In such way it is clear that the place was privileged, and that its privileges attached to those holding a burgage or tenement therein. On this principle, so early as the year 1222 we find undue attempts had been made by merchants to be exempt from local dues, port-customs, and other charges, by acquiring tenements or holdings in corporate places where they actually did not reside; but the king, on its being represented to him how injuriously such operated to those towns, ordered the justiciary of Ireland not to allow them to be taken thereafter; and subsequently, on the 18th of July, his majesty gave express directions, that in all such cases no person should have exemption from *toll or other customs* in Waterford or elsewhere, by reason of their holdings or lands there, unless they were COUCHANT AND LEVANT IN THE SAME, AND AT LOT AND SCOT IN COMMON WITH THE BURGESSES THERE RESIDING. Perhaps there can be no plainer or more express description of the qualifications which originally, and for centuries, conferred exemptions, privileges, and all corporate rights in the towns of Ireland.

Appendix,
Nos. VIII.
and IX.

By other documents also this principle, that inhabitancy or occupation gave freedom in those

places, can be traced ; and it appears by clauses in the confirmation charters of the seventeenth century, that it was then conceived that their most valuable privileges had been originally acquired by, and granted to the *inhabitants merely* of such towns.

There are two statutes passed at the end of the fifteenth century, which furnish the most accurate illustrations of this general principle of our early municipal institutions, and these statutes (enacted in a middle age, as it may be said, between us and the original foundation of those bodies) are a connecting link between our time, when almost every original principle has been purposely defaced or forgotten, and the reign of Henry the Second, his sons, and grandson, under whom the Irish corporations, their principles and privileges, originated and were matured. The statutes now mentioned were passed for the purpose of joining to Dublin and to Drogheda a certain portion of the adjoining *shire* or country lands, and for placing them within the franchises of Dublin and Drogheda in future for all purposes, instead of their continuing in the counties of which they had previously formed part ; such lands (it was thereby enacted) should become exempt from all future county taxes and charges ; in so doing also, the statutes expressly took the inhabitants of those places from under the jurisdiction of the county sheriffs, coroners, collectors, and other officers, and placed them

for ever under the authority of the mayors and other municipal officers of Dublin and Drogheda. This transfer, on the principle of inhabitation or occupancy, made the landholders and resident inhabitants at once freemen of the city or town to which they were attached or transferred; and accordingly, on reference to the two statutes, there is found strict provision for this purpose, and the principle is carried into effect; it is enacted and established by authority of the said parliament, that henceforward the said village of Cabragh be parcel of the franchises of the city of Dublin, and be reputed, taken, and adjudged of and within the franchises of same, and that THE INHABITANTS OF SAID VILLAGE, AND ALL THE TER TENANTS of same, henceforward for ever have and enjoy all the LIBERTIES, FREEDOMS, AND FRANCHISES OF THE SAID CITY, in all SUCH MANNER AND FORM AS THE CITIZENS AND DENIZENS OF THE SAME CITY HAVE AND ENJOY SAME. In like manner as to Drogheda, it is enacted that the lands of Barnatty, in the shire of Louth, being “scituate nighe to the towne of Drogheda, be henceforward parcel of the said franchise of Drogheda, and be reputed, adjudged, and deemed as parte and parcell of the same, and thenceforth be utterly dischargd of the said shire of Louth and the county for ever;” and that “THE DWELLERS, TENAUNTS, AND LAND OCCUPIERS OF THE FORSAID LANDS AND TENEMENTS IN BARNATTY AFORESAID, AND THE RESIDENTIARIES OF THE SAME AND OF EVERY PART THERE-

Appendix,
No. X.

Appendix,
No. XI.

OF, AND EVERY OF THEM, FROM THENSFORWARD FOR
EVER BY AUCTHORITIE FORSAID HAVE THE LIBERTIES,
FREDOMES AND FRAUNCHESIES OF DROGHEDA FORSAID,
AND THEM USE AND ENJOY IN ALL SUCH MANNER AND
FORME AS, &c.

In strict accordance with this, it will be seen on reference to several documents which have been obtained from the State Paper Office, Westminster, and which will be found more specially cited in the next chapter, that after the restoration of 1660, in all the petitions, letters, and state orders made to or by the king and his council of England, as well as by the chief governor, lords justices, and privy council of Ireland, the *inhabitants* of incorporated cities and towns are invariably and undistinguishingly classed with the natives and freemen; and in all such documents the word *inhabitant* is used as a synonyme with that of freeman or privileged person, formerly enjoying, or entitled to, all the municipal immunities of the place which he inhabited in Ireland.

Even still in one important and now curious right preserved in some of the ancient cities and towns in Ireland, the remains of this once universally prevailing principle may yet be clearly discerned: this is the right exercised in Dublin and other corporate places of a class of persons called "freeholders" to vote at the elections for members for parliament, though not freemen of the towns nor members of the corporations of such

places. Some have said, and it was once so considered, that this right came to them as county freeholders, Dublin being created a "county of a city;" but then it was forgotten that the same right has prevailed in other places not being "counties of cities or towns," and that it was a right exercised before Dublin had been so created. In fact, their votes are otherwise derived, and these are the oldest class of voters in towns known to the law; the privilege or duty of returning members was one of the franchises, liberties, or immunities attaching to corporate bodies when all their rights were enjoyed in common, and on the principle of occupancy or inhabitation: down to the middle of the sixteenth century this was preserved, as appears by the Act of 1542, which recognises the power of electing members to be *solely in the inhabitants*, and these freeholders now so voting are continuing to vote in the right which was the only legal right known when first the boroughs returned members; and every such voter at this day (except as to residency, which of late is not required) is an evidence of the ancient principle on which the Irish municipal franchises were originally founded and enjoyed.

Public Sta-
tutes, 33
Hen. VIII.
ch. 1.

But let us now glance at the present altered and abused condition of our corporate bodies, and at the means by which tyranny in time effected their corruption.

CHAPTER II.

Changes in the original and constitutional principles of Corporations.—Charters of Naas, Carlingford, Maryborough, &c.—Robert Colley, Borough-master of Phillipstown.—King James I. and his persecution of the ancient Corporations.—Illegal proceedings of Lord Mountjoy.—Brutality of the Military Presidents.—Sir John Davis—his suppression of the Revenue Laws.—Recorders.—King James's new Boroughs.—King Charles I. and his conduct to the Corporations.—Conspiracy of Lords Ormond and Orrery to spoliage the people of Ireland.—King's Letters and Reports of Lords Lieutenant, that the right of the ancient Corporations existed in the reign of Charles II.—not taken away by Statute.—New Rules—power of dispensing with the Oath—penal Acts of Queen Anne.—Act of 1793.—Conduct of Lords Lieutenant and Secretaries as to the People of Ireland.—Parliamentary Sale of Boroughs.—A Constitutional Prelate.—Present state of Boroughs.

SUCH were the general principles on which the ancient corporations of Ireland were founded, and continued to be governed for nearly four hundred years. In saying this, however, it must be admitted, that towards the middle of the

sixteenth century there may be traced many symptoms of exclusion or restriction, then commencing in several parts of the kingdom. That power invariably possessed by all ancient corporations of excluding or admitting *foreign* merchants and strangers at their discretion, and the authority which they had for establishing guilds, trades, and fraternities, seem to have been the seeds of exclusion originally sown in those institutions. That both privileges were well grounded according to the notions of those times there cannot be a doubt; but that they were afterwards perverted, became the means of much public wrong, and ultimately established vicious precedents for varied abuse, is equally certain.

However, about the middle of the sixteenth century, as has just been observed, they had assumed to themselves in several towns certain local powers and regulations, which, though recognised by royal charters, were not (apparently) consistent with their original constitution. Thus, if we look to the charters of Naas, Carlingford, Carrickfergus, and some others, we can see a prohibition against buying there from any but *one* ADMITTED *a free man*, various recognitions of the privilege of *electing and admitting persons to be free men*, and distinct clauses, that it should not be lawful for *any person inhabiting* within such borough to deal in merchandises, or follow any profession or occupation, unless *he had been admitted and allowed a*

Charter of Naas, 11 Eliz. Carlingford, 13 Eliz. Maryborough, 1570. Carrickfergus, 13 Eliz. &c.

"Nisi sit admissus et allocat' liber homo ejusdem burgi," &c. Charter 18 July, 11 Eliz. &c.

free man of the same borough by the sovereign, &c. thereof.*

"Desidera-
ta Curiosa
Hibernica."
v. i. p. 446.

Such innovations, however, had not yet become general, and for the most part the best and wisest features of the ancient municipal system continued entire until the reign of King James I. It appears by the state letter which Mr. Lodge has published, that amongst the first orders issued by that monarch on his accession, was one, that "the chief governor of Ireland should make it known how careful his majesty felt towards Ireland, that her people should not be molested or oppressed for old offences," "a matter so odious to our nature, to whom generally that people have carried themselves as becometh natural and loving subjects, that we should have it one of the first works you should do to secure them from ever being called in question for any offence," &c. All this was credited at the

* By indenture, dated 1st Oct. 1571, Robert Colley, of Colles-town, Esq. (direct ancestor of the Duke of Wellington) as "Borowe master of the Borowe of Phillipstown," and the bailiffs of same, leased to Nicholas Mc Can Miller for 99 years, one "burge with the appurtenances" in said town, at the rent of 4s. yearly, he to support "uphold, and mayntayne his said burge, and schall mayntayn "and strengthen his backside, in sutch sort as by them," &c. "for "better strengthe and defense of the towne shalbe apoyntyd;" to "become trybutory to the repaying and paving of the highe streate;" so far as his said burge dothe abut upon any of the said streates;" to bear all ordinary and extraordinary charges, skot, lot, sess, subsidy, buebolens, contribusiyons, or any other payments or chardge "for maintenance of the laws and soportacon of the town and borow "and fraunchizes of same." And also said Nicholas "covantith "for hym and hys haieres to and withe the borow master, bayliffs,

time by the ever credulous Irish, but King James soon undeceived them, and his deep-laid schemes for "new plantations" scarcely proved more completely subversive of the landed interests, the estates and inheritances of the natives and old inhabitants, than his tyrannous persecution of the corporate bodies proved destructive to the civil liberties of the country.

In the first place, he despatched through the provinces some men called "presidents," who, vested with military powers and martial law, possessed a stimulus to violence which they evidently did not need.* These officers proceeded through the different towns, and made known his "majesty's expresse pleasure" for enforcing the two Acts of Elizabeth, though the same had never before been enforced since enacted in Elizabeth's reign. Finding this not attended with the required

Report
made to the
Star Chamber. Appendix, No. XII.
Public Statutes 2
Eliz. ch. 1.
same, ch. 2.

"burgess, and their successors, that he the said Nicholas, nor his heyres, shall neyther enter nor joyne in mariage, gossepred, nor fostrage, withe anye of the Connors, whatever they be, except one-lye fredennysons ALLOWYD AND ACCEPTED before the day of the date of these presentes." ORIGINAL INDENTURE under seal. In various other documents about the same date, this power of allowing, accepting, and admitting to the franchises is likewise mentioned.

* It must be admitted that the example set them by Lord Mountjoy, the Lord Deputy, who went down before them, afforded some sanction for all subsequent barbarities; the citizens of Waterford proffered to receive him with his retinue within their gates, but according to their charter of King John, always theretofore legally observed by his predecessors, they declined admitting his army. The doughty lieutenant replied, "*That with King James's sword he would cut King John's charter; he would ruin their city and strew it with salt.*" — Smith's Hist. Waterford, p. 144.

effect, his majesty sent over to the presidents "a speciall comaund under his own signature," and forthwith they took other proceedings against those who had incurred "*the payne and danger of his majesties high indignation, and the INFLICTION OF HIS MAJESTY'S PREROGATIVE POWER.*" They fined in sums of from 40*l.* to 100*l.* each the mayors, burgesses, merchants, and principal inhabitants of the several corporations; they sold their goods and chattels for payment of those fines; and they adjudged the sufferers to "imprisonment *during pleasure!*" All these penalties were directly contrary to law, and not warranted by any act of those persons; but the presidents were wholly indifferent on this account, and they therefore freely state that such penalties were "*for contempts against his majesty's comaundments.*" Even in the case of William Sarsfield, mayor of Cork, already deposed from office and fined 100*l.*, but who being afterwards unwilling to attend the president at his council-table *was fined the additional sum of 500*l.*, and imprisoned during his majesty's pleasure*; it was certified such punishment was for "CONTEMPT OF THE STATE AND AUTHORITY OF THE TABLE."

Instruc-
tions, 10
Feb. 1607.
Appendix
No. XIII.

In the next place, he issued instructions to his deputy in Ireland, for the purpose of wresting from the corporations and others the customs and revenue duties, which by charter or by usage had

always previously been paid to them, and not to the crown, in such places. By these instructions he ordered, that all parties should produce their charters and grants, and deliver same up to the lord deputy; that every inquiry should be made *for their unlawfulness, inconveniency, and hinderance to his majesty*; also for *any enormities or abuses* committed in execution of them; for all words necessary to make them good in law; for any words *happening to be omitted in such grants* which would *render them void*; to seek for all *mistakes, mis-recitals, or informalities in the inrolling or confirming of them*; whether any *old offences could be found out or revived* against those now receiving such custom duties; and in short every method that meanness, dishonesty, or subtlety could devise was ordered to be pursued for destroying those chartered rights.

These were followed by numerous quo warrantos filed against the corporations, and they having pleaded, copies of the whole were laid before the law officers of England, who, as law officers, and at that period knowing but little “of the revenue or corporate laws of Ireland, gave an opinion to his majesty that the corporations had no right; and the king sending over this opinion to the deputy in Ireland, accompanied it with a letter (both to be exhibited), notifying that his majesty would enforce by law all the large arrears due,

See the
King's Letter, Apper
dix, No.
XIV.

unless they accepted his "gracious offer now made to remit and pardon all the past, if they would yield those port revenues to him henceforward."

See Case of
Customs in
Sir John
Davis's Re-
ports.

But these threats had not the immediate effect desired, for it appears that while the quo warranto proceedings were pending for judgment in the King's Bench in Ireland, the king specially directed that Waterford and the other corporations should send over their agents to England with their charters, in order that the question of customs might be heard *before the judges there*: this direction, however unreasonable, they complied with, and in Michaelmas term, 6 James I. the Lords of the Privy Council, by letters, referred the question to Sir Laurence Tanfield, Chief Baron, Baron Heron, Sir John Dodderidge, Serjeant-at-law, Sir Henry Hobart, King's Attorney, and also to certain "servitors" from Ireland, who happened then to be attending the king about other business, namely, Sir James Ley, Chief Justice of Ireland, Sir Anthony St. Leger, Master of the Rolls, and to the Attorney-General of Ireland (then Sir John Davis, who reported the whole case); these referees heard the counsel* and

* Sir John Davis reports the arguments used by Bolton, *Recorder*, on behalf of the corporations, and certainly they were not the *soundest or most convincing*; in fact, in that, as in many other instances, it would have been more advantageous if any counsel other than their recorders had appeared for the corporations. *Sir Richard Bolton was afterwards promoted to the Bench.* Though the Attorney-General (Sir John Davis) was disingenuous enough to conceal all

agents for the corporations, at Serjeant's Inn, Chancery Lane, and afterwards signed a certificate of such customs and duties as they considered payable in each corporation.

Immediately thereupon the king sent letters into Ireland, setting forth some of the above particulars, also that he had brought this question now to a certain point, at which the corporation agents were satisfied; that they had *conformed themselves to his pleasure* to yield up the customs, in consideration of his majesty's confirming their charters and liberties, and granting "an addition of reasonable franchises," all which the king hereby commands to be done. In this way, under circumstances most favourable to his views, King James obtained an opportunity of issuing new charters to all the ancient cities and towns; and when granting such he prescribed for the most part the number of citizens, or free burgesses, who were to legally form the new incorporation; he limited that number within the narrowest bounds; he separated all classes of the incorpo-

Letters,
dated 11
March
1609. Ap-
pendix, No
XV.

As speci-
mens of
such, see
Charters,
Appendix,
Nos XVI.
and XVII.

the unpublished statutes previously in force as to subsidies, tonnage, and poundage before the printed Act, 15 Henry VII. and though the question was badly supported for the corporations, yet the certificate or award made by the referees, shows what high and important rights belonged to those communities. Even two years after that award or compromise, viz. in 1611, the king directs that the rights of Galway, Drogheda, Dublin, and Waterford, in the port, *customs, revenue, and tonnage and poundage* of those places, should be purchased from them for his use!—See Appendix, No. XVIII.

ration as much as possible from the inhabitants at large ; he, in almost each instance, named the individuals who were to be first mayors, sheriffs, and burgesses of the town, and appointed them by name in the charters ; he invariably also appointed the person who was to be recorder, and not unfrequently he even named the town-clerks. Hence there arose an order of things most favourable to direct nomination, self-election, and thorough exclusion.

But these proceedings seemed to rouse a more ardent desire for the preservation of their ancient privileges, and the inhabitants in general of corporate towns became universally inflamed. On this account the king, then anxious for holding a first parliament, could not venture to assemble one without creating a numerous body of government auxiliaries in the Commons' House ; and to secure such, he set about incorporating several desolate towns or villages, where corporations had never before existed. The project was objectionable in many respects, it was illegal in others, and altogether it formed the grounds of such a remonstrance from the ancient peers of Ireland as does honour to their memory and deserves to be recorded. The king, however, persevered ; he issued his charters, vesting the legal powers of each corporation in an officer and twelve burgesses ; and so anxious was he that these thirteen persons, and no more, should have the election of

See Appen-
dix, No.
XIX.

See Report
of "A Case
of Burges-
ses of Par-
ment."

members to be returned to parliament that he submitted the drafts of the charters to his English judges to ascertain their validity: he named expressly the first officers in the charters, and directed they should not act until they took the oath of supremacy: he vested all corporate authority in these persons distinct from the inhabitants; empowered them to make by-laws for governing the towns, and, as a sure means of controlling all contumacy against this extraordinary and newly-created authority, he vested in the select a power of holding a court, and of there inflicting fines, penalties, and punishment. As the charters so granted, and the bodies so incorporated, were contrary to the original intention of all ancient incorporations, and repugnant to the corporate laws known in Ireland for more than the four preceding centuries, so an exemplar of their form and style has been obtained as a necessary document for insertion in this work. Their effect was soon perceptible; they gave King James eighty additional votes in the parliament of 1613; by their numbers they familiarised the public mind to the new system of exclusion and nomination, and under warrant of the (over-stretched) prerogative gave apparent legality to what was constitutionally wrong.

See Copy of
Incorporation Char-
ter of King
James I.
Appendix,
No. XX.

With the exception of these new boroughs, the corporate towns of Ireland continued to be inhabited almost wholly by Roman Catholics, and

Appendix,
No. XXI.

they exercised the corporate offices of such places : this latter circumstance is stated regrettingly by the lord deputy, and others the king's commissioners of 1613, who, in their report, certify that the laws in force (alluding to the acts already mentioned) " for the maintenance and advancement of *God's true religion*, are in very few places put in execution, in regard that, in the counties and corporate towns *with great difficulty is to be found any jury that will present recusants, themselves being for the most part delinquents in the same kind* ; and in the city of Waterford, which is a county within itself, &c. *there are very few either of the magistrates or of the people that are not obstinate recusants.*" In Dublin, at the same period, things were similarly circumstanced, for in 1613 all the aldermen declined the office of lord mayor, as they could not take the oath of supremacy, save one, and he being a young man just lately elected alderman, the chief baron, Sir William Methuen, when swearing him, observed he had " leaped a *salmon-leap*, for that he saw *many grave and grey-headed men there standing about him, whose turn was to have been mayors before him*, but they would not take the oath of supremacy, which he was sorry for."

" Desiderata Curiosa Hibernica,"
vol. ii. p.
284.

Nothing, however, tended more to defeat what the king expected, when he was new modelling the ancient cities and towns, than a renewal of these penal hostilities ; they enabled the govern-

ment to displace a mayor or head officer not willing to take the oath of supremacy or conform, but then they in effect united the inhabitants in one common feeling of indignation ; they exposed the dangerous subtleties of the new charters, and excited a spirit too high and too honest to accept the proffered system of self-election or exclusion. This, the bigotry and blind violence of James Appendix,
No. XXI. would not allow him to foresee ; and, on the 31st of July 1616, we find the council of England sending instructions into Ireland that, “ as neither admonition nor *moderate correccion* doth work the ends which the king aimeth at, so now some lawfull proceedings be had to *overthrow the charters of one or two* principall citties or townes by *scire facias*, quo warranto, or otherwise,” as his majesty ordered ; and for this purpose he would have first Kilkenny and Limerick selected, but as such course of proceeding will require a time before it can effect *a full forfeiture* of their liberties, “ so it is hereby ordered that the magistrates be generally proceeded against *roundly* by FINE and IMPRISONMENT.” Such orders were obeyed, and that British “ Inquisition,” the Star-chamber, held under English government in Dublin castle, played away *roundly* and in fearful style for a long period after. Within two terms alone the mayors and officers of no less than fourteen cities and towns were proceeded against, heavily fined, and punished in the court of Castle-chamber for acting

in their offices and refusing to take the oath of supremacy: these were Dublin, Kilkenny, Thomastown, Gawran, Inistioge, Cork, Limerick, Waterford, Naas, Fethard, Clonmel, Kilmallock, Drogheda, and Dundalk; and if to them we add the numbers in all parts of the kingdom by the same authority sued, fined, and imprisoned for *not conforming*, or for *not presenting* (finding verdicts against) *recusants*,* we should be inclined to

* Government particularly pressed into those juries against recusants, or Roman Catholics, the very poorest and most miserable description of the Catholic communion, who, incapable of paying fines and of supporting themselves in prison, (to which they were invariably sent for not finding verdicts,) were most likely to seek mercy by "conforming" and acknowledging their error; yet, to their honour be it said, that though the county and town gaols were crowded on this account with prisoners, yet instances of such submissions are but few. Take, however, the following instance of such, exhibiting as it does also the desire of government to get a convert even from the meanest class. "*The humble petition of Andrew Petit to the right honourable the lord deputy, sheweth, that where your petitioner was fined in 20*l.* for not presenting of recusants, being in a jury: Your suppliant being ignorant and a very poor man, was mistaken in the business, for he reformeth himself and goeth now to church, and will be bound soe to doe all the dayes of his life, and acknowledged he hath done amiss: May it please your lordship, in regard your petitioner is a very poore man and not able to pay quarter of the said fine, having nether freehold nor copyhold of his own, being another man's servant, that your lordship should be pleased to remitt the said fine in regard he doth now conform himself, and is sorie and repenteth him of the said facte, being led by others in the jurie and against his will,*" &c. 13th Nov. 1617. The petitioner entering into bonds before the lord chief baron to "*contynue repaying unto church as hereby he promiseth, and that he doe bring a certificate from the next judges of assize of his conformity in religion, we will order for remitting his fine.*"

"Oliver St. John."

agree that this king was sent into the world to turn mankind against kingly government. The system, however, of preventing, by fine and imprisonment, the Roman Catholics from acting as mayors, sovereigns, or *heads* of the corporations, continued to be pursued to the close of his reign; and its effect generally is well expressed in few words by Lord Falkland, the Lord Chancellor, and the several others who were commissioned to act under the important commission of 1622, and whose report concludes in these words:—" *Poore men that will take the oath of supremacy are made chief officers in all the citties and townes, and the rich men being recusants never employed to any such offices, which bringeth the townes into contempt and causeth trade to decay.*" To illustrate this let us turn to the case of one city, namely, Waterford: when persecution was extended to the city, the mayor and all officers were Roman Catholics, and refused to take the oath of supremacy: in 1615 Nicholas White was mayor, but refused to take the oath, his successor also refused in the next year; he again was succeeded by Alexander Cuff, who likewise refused the oath in 1617, and so did the mayor that followed him; for this offence Donogh *Earl of Thomond* (!) and Sir William Jones, by a commission from the king, dated 23rd January 1617, seized on the liberties, estates, and franchises of the city of Waterford, and their liberties, franchises, and estates

continued so seized to the king's use, and no mayor or sheriff was appointed therein from that year 1617 until 1626, as no person there entitled to the privilege, or qualified for the offices of mayor, sheriff, &c. would take the oath of supremacy! So that the commissioners, in their report just cited, evidently did not *overstate* facts.

"Finis taxationis ad viginti millia marcas."
Original
Charter of
Waterford,
26 May, 2
Charles I.

On the death of James, however, his son and successor discontinued such penal proceedings, not from any greater love of liberty which he, King Charles the First, entertained; but for and in consideration of a sum of money voted and paid him by the people of Ireland *not* in parliament assembled. Nay, what is more, and the fact now is put beyond doubt by an entry on the original charter, King Charles accepted a fine or fee of 20,000 marks for renewing the charter of Waterford, and restoring to its plundered and persecuted inhabitants all their rights and liberties, which had been arbitrarily seized upon by his father in the year 1617, as just mentioned! By such means only all penal proceedings, during the reign of Charles the First, were averted; and with the exception of some experimental efforts made by the arbitrary Strafford, corporate privileges in that and most other respects continued unaltered and preserved down to the year 1641, when the civil wars commenced in Ireland. During those civil wars, after many changes of fortune, the Cromwellian soldiery became exclusive possessors

of the corporate towns ; but this was in some instances pursuant to regular articles of capitulation after much gallant fighting ; and though the injudicious desire, then so prevailing, to quit such towns and join the ranks of the exiled king on the Continent, may have facilitated the success of the republicans, yet it should never be forgotten, that the last place in the three kingdoms where the king's authority was fought for and maintained, was one of the ancient corporate towns of Ireland !

King Charles the Second being restored to his throne in the year 1660, issued his letters soon after to the chancellor and lords justices of Ireland, ordering the respective former *inhabitants*, *natives*, and freemen, and also all such as have or shall have right to be freemen in any of the said cities, towns, or places, and who were expelled from same by the late usurped powers, to be forthwith restored to their accustomed privileges, freedoms, and immunities, as freely as they had same in the reign of Charles the First his royal father, without any national distinction or interruption upon pretence of religion. These orders, (certainly due “ *ex debito justitiæ*,”) would operate prejudicially to the Cromwellian interest, which now almost exclusively filled the House of Commons, and on which mainly depended lords Ormond, Orrery, and those other wicked instruments, to whom an inscrutable Providence had

King's Letter, 22 May 1661, and other state documents relating thereto. Appendix, No. XXII.

then committed the government of Ireland. When, therefore, the ancient freemen and inhabitants of those towns presented the king's orders or letters for their restoration before the council board of Ireland, they refused compliance with such orders; and on the 18th July 1661, wrote to the king an account of their proceedings, and the reasons which induced them to "*respitt the execution* of his majesties said letters." Though the lords justices and council were then composed of Commonwealth men, and heads of the Cromwellian faction in Ireland, who must have naturally wished for the exclusion of the people, yet one is not prepared to read so perfect a contravention of the king's orders and of public justice by such persons, unless it be credited that they were acting under *secret* orders from that perfidious king himself. That this was, however, the real cause of such proceedings, there can exist but little doubt, when we find that on the 12th of August following, letters arrived signed by the whole council of England, *giving the king's sanction to this infamous refusal or withdrawal of his former public orders and declaration*. In seven days after there is a letter written from Dublin on the 19th of August by the Earl of Orrery, one of the lords justices, and in it he acknowledges the reception of this last letter from the lords of the council, which he says "*was most welcome to us;*" and, as the price to be paid for this act of royal per-

See Appendix, No. XXII. for Letters of 28 May, 18 July, and 12 and 19 August.

fidy, he adds, “and I hope the bills we now transmit *and the excise bill prepared will not be unwelcome* to his majesty, *the advancement of whose revenue here we much studdy and endeavor.*” Thus the price paid to the king was an excise bill, and the bribe to Sir Edward Nicholas English secretary of state, for his co-operation, was 2000*l.* which Orrery specially mentions in the same letter.

The iniquity, however, of these intrigues became evident; some new stimulus was necessary for the king, and a petition therefore or series of votes were sent over to him by order of the House of Commons, to continue the exclusion, and to supplicate his majesty, that “Dublin, Cork, Youghal, Kinsale, Limerick, Galway, Waterford, and all other sea-ports in this kingdom, be *continued in the hands of, and be inhabited by* such as shall manifest their communion with the church of England *by taking the oath of supremacy.*” This application, which sought to exclude almost all the old corporators of Ireland from their rights and privileges, and which sought what was so contrary to the orders of the 22nd of May 1661, was also favourably received: it originated in a letter written by Lord Ormond as lord lieutenant to Lord Orrery, and this letter the latter artfully exhibited to some who had their instructions to make it known to the house. Respecting this letter and its being accidentally

Commons
Journals,
vol. i. p.
474.

known, much coquetting passed between their lordships, but Orrery had the duke's forgiveness, for he did it, as he told him, "purely for your service," and "I acknowledge *the occasion of these votes was that intercepted letter*, but the ground of them was the many alarms precedent to it, and the *multitude of papists* who had crept in a few months INTO ALL THE CORPORATIONS." The effect of this intrigue was a clause inserted in the Act of Settlement, enacting that those of the popish religion having such properties in the corporate cities and towns, that is, all the former corporators of those places, should have an equivalent granted to them near such towns, but that the usurpers should be allowed to continue their possession, *leaving a discretionary power, however, in his majesty to restore some*. This discretionary power of restoration King Charles and his courtiers turned, as usual, into a source of profit, and all the ancient inhabitants of towns who were able to *purchase* "his majesties letters" had orders for their restoration; these however, after a time, became so general and numerous, that the commissioners or judges of the Irish Court of Claims (all of the new interest) presented a remonstrance or petition to the government on the subject, as being likely to produce such an "inlett of papists into corporations, as the Acte seemes to provide against." The Cromwellian parliament had, however, voted as a reward 30,000*l.* to Ormond, the

For an exposé of this intrigue, see Letter 26 Feb. 1661, from Orrery to Ormond. Orrery's State Letters, vol. i. p. 98.

Act of Settlement, 14, 15, Cha. II. ch. 2, s. 18.

See Appendix, No. XXII, for this Letter of 21 July 1663.

lord lieutenant, and a large pecuniary reward to Orrery and his colleagues in the government, so that in the course of three years after, when the Act of Explanation was passed, they were able to carry a clause in that Act, that *all the houses in corporations* should always continue in the hands of *English and protestant subjects*, and that therefore no papist or popish recusant should thenceforward be admitted to purchase any of such, but only those who took the oaths of allegiance and supremacy; and further, with a view to repeal that discretionary power vested in the king of restoring possession to some of the ancient corporations as just mentioned, it was enacted, that the clause giving such power to his majesty, should be, and was thereby repealed.*

Act of Ex-
planation,
17, 18 Cha.
II. ser. 36
and 132.

* As soon as the Commonwealth soldiery got seated in the corporations, the simple and long-used oath for freemen was changed, and a new one formed: this new oath was published by Dr. Lucas, and is still in use; it breathes the style and temper of an armed banditti ever apprehensive of retaliation, and therefore speaks of the "musket, carbine, or fusee," which many of their successors still secretly keep by them. The word "bondsmen" was an odd term to be used by a class of men, most of whom had but just then and most casually been liberated from the bondage of gaols and parish work-houses during the events of the English revolution. The clause as to "*conventicles*," was forced upon them by a government which had already experienced enough from the treachery of fanatics.

THE OATH OF A CITIZEN OF DUBLIN.—"You shall swear that you shall be good and true to our sovereign lord King George the Second, and to the heirs of our said sovereign lord the king; obeysant and obedient you shall be to the mayor and ministers of this city: the franchises and customs thereof you shall maintain, and this city keep harmless in that, that in you is: you shall be contributory to

Thus end the parliamentary enactments of Charles the Second's reign as to the right of the ancient corporators of Ireland; and the best and truest evidence of what that right then was, and that it still legally existed, can be adduced from "the state of the case" which the Earl of Essex, as lord lieutenant of Ireland, drew up with due advice, and sent to England in the year 1674. His lordship therein certifies that in *most* corporations in Ireland the freemen were generally papists in the year 1641, and so continued till about 1654—that most such then free might (in 1674) be presumed to be dead, *yet there being a custom in most corporations that all*

See Lord Essex's Report. Appendix No. XXIII.

all manner of charges within this city, as summons, watches, contributions, tasks, tallages, lot and scot, and all other charges, bearing your part as a freeman ought to do: you shall colour no foreign goods, whereby the king or this city might lose their customs or advantages: you shall know no foreigner to buy or sell any merchandizes with any other foreigner within this city or franchises thereof, but you shall warn the mayor thereof: you shall take no apprentice but if he be freeborn, that is to say no *bondsman's* son, and for no less term than for seven years: within the first year you shall cause him to be inrolled, and at his term's end you shall make him free of this city, if he have well and truly served you: you shall also keep the king's peace in your own person, and shall always whilst you are able and in your power keep a good *musket, carbine, or fusée*, in good, clean, and sufficient order; you shall know no gatherings, *conventicles*, nor conspiracies made against his majesty's peace, but you shall warn the mayor thereof, or let it to your power: you shall not be free baker, butcher, or fisher without you pay custom; and whatsoever office that you be lawfully called unto within the said franchises you shall not refuse. All these points and articles you shall well and truly keep according to the laws and customs of this city to your power. So *God* you help, and by the holy contents of this book. God save the King."—See Dr. Lucas's Letters.

the sons of freemen are also free of the corporations whereof their fathers were free, there must be many living entitled to their freedoms: that since the king's restoration many disputes have happened concerning the papists who were formerly free being admitted again into the corporations: that his majesty, on the 22nd of May 1661, by letters declared his pleasure (as above set forth) for their restoration; and again, on the 26th of February 1671, the king ordered by proclamation that all the ancient freemen of the respective corporations should enjoy their former freedoms and privileges, and that a general licence should be given, such to have and purchase houses in corporations, which was accordingly done: that the "new rules" allowed to be made by the lord lieutenant and council under a clause in the Act of Explanation, though they do hinder papists from being magistrates in corporations, unless the lord lieutenant dispensed with their taking the oath of supremacy, still they do not take away from them the benefit of their freedoms: that yet in some of the corporations many of the papists are still kept out and hindered from their freedoms, as particularly in Cork: and his lordship, after a further detail, becomes seemingly unable to decide whether right should be done by giving them full restoration as the law then warranted, or by only confining such freedom to those who had been already admitted to their rights since his majesty's restoration.

This was the state of the statute law of Ireland, and so continued until the penal laws in the reign of Queen Anne prescribed those test oaths which excluded Roman Catholics from all admission to corporations.

After many years' existence and strict enforcement, the test oaths were abolished by the Act of 1793, but the system of exclusion had become so rooted, and tribunals so deeply tainted with the bigotry of past years, that the law so passed was not enforced or countenanced by the executive.

Another fact is deserving of marked attention : when the Cromwellian parliament got the Irish government of King Charles the Second to sanction the *illegal* exclusion of the natives or ancient corporators as above described, to supply their room the same parliament was forced to pass a statute enabling any person from any part of the globe to come into those cities and towns to dwell, and on tendering the sum of twenty shillings, and taking the oaths of allegiance and supremacy, the person so coming should be entitled to all the freedoms, liberties, and privileges of a freeman of the corporation where he so settled and came to reside. Now this statute was followed by the "new rules" and subsequent statutes, and according to the highest and soundest legal opinions, as confirmed by a late decision of the House of Commons, the great bulk of persons in trade and business in the corporate towns of Ireland since 1793, were ad-

missible to corporate privileges by virtue of this statute if they had even no other pretension. But though there has been in Ireland a succession of lords lieutenant and chief secretaries, who at any time would wax extremely wroth if, for a moment, their "state" declarations of being "truly Irish," and of having "Irish hearts," were doubted; yet in no instance had one of those lieutenants or secretaries so much spirit—no, it must be called so much honesty, as to assist, authorise, or sanction the enforcement of the above statute!

Let it also be here observed, that, under the provisions of the Act of Explanation, the lord lieutenant was authorized to make rules and orders for the corporations of Ireland; these, when afterwards made, were called the "new rules," as will be hereafter more dwelt upon; and though under them the government had power (which they sometimes exercised for their own purposes) to annul the election of mayors, sheriffs, recorders, &c. yet they never in any instance removed one of those many obnoxious heads of corporations, who in long succession for a century had been blighting the land, and destroying the peace and happiness of its people.

No, the people of Ireland, after being declared by the legislature to be restored to all their corporate privileges under the statute of 1793, but while still excluded from this right by secret influence, actually saw the executive government

See some
items of the
sums paid.
Appendix,
No. XXIV.

invite a set of venal aristocrats to traffic in those popular institutions; and they witnessed the government commissioners in the year 1800 paying many hundreds of thousands of pounds for the surrender and extinction of ancient corporate rights, and that to persons whose families had been unknown in Ireland for centuries after these corporations were originally founded. These doings occurred while the great body of the people, though eligible to corporate offices, were deprived of all legitimate influence by penal laws, which excluded them from offices and from the legislature; and to such lengths did they go that even the very prelates of that church, for whose safety and supremacy the Irish people had been for a century so divested of all civil liberties, asked compensation for the loss of boroughs, by which their predecessors, through political dexterity and due management of elections, as they state, *derived great advantage*, and were duly translated “to much more eligible bishopricks!”

See the
claim of that
pious pre-
late, Hugh
bishop of
Ossory.
Appendix,
No. XXV.

The people of Ireland still stand in the same position as to corporations—eligible by law, but excluded in fact; their position under Oliver Cromwell was no worse than this, while under his friend Orrery and under Orrery’s *fit colleague* the odious Ormond, not only their legal right was allowed, but that right by individual exercise or enjoyment was, in point of fact and practice, admitted and enjoyed. However, this

state of things cannot now continue, and a general corporate reform in Ireland is inevitable. With a view therefore to this change, which must not only operate as a restoration, but in many instances as a remedial provision to cure the abuses and evils of nearly the last two hundred years, as well as to extend the salutary principles of incorporation, we will now proceed to inquire into the estates and rights and other circumstances of those ancient establishments, before submitting for consideration our suggestions on this important subject.

CHAPTER III.

Estates attached to Corporations—conveyed to them by grant—Instances of such. — Commons and rights of pasture, and of turbary, &c. expressly conveyed by charter—from earliest period empowered to acquire. —Statute of Mortmain.—In the seventeenth century Corporations generally throughout the kingdom had such estates—in every parish also was a common or waste tract.—The Down survey, its evidence in this respect.—Town estates of Leighlin, Clonmel, Rathcool, Lusk, Dundalk, Carlingford, &c.—Such property always held to be eleemosynary, or such as title to could not be acquired by length of adverse possession.—Cases decided in the reign of Elizabeth.—Case of Cashel.—Case of Fethart.—The royal commission of King James the First in 1622, to inquire after all alienations with a view to their recovery—in the Charters such estates are classed with those appropriated to the public works, poor schools, and hospitals of the towns—the whole to be recovered and restored forthwith.—Statute of Limitations for Ireland, anecdote of.—Extraordinary case of spoliated corporate property.—Maryborough.—Portarlington.

FROM what has been advanced as to the origin of these ancient institutions, it becomes clear that landed estates were necessarily attached to corporate towns ; and hence, on referring to the early

charters, we find not only the soil and foundation of the place granted for the use of the incorporated, but also frequently other lands, as well as the waters, rivers, or arms of the sea within same, and the commons and waste lands immediately adjacent.

The extent of land, and also of water conveyed by charter to the citizens or inhabitants of Dublin, was extremely considerable; and the same observation applies to Waterford and several other places, for which early charters are still remaining;* for other towns also, there are several charters which expressly mention and grant the quantity of land to be attached to each burgage; thus, in the charter of Kells, *three acres* (large measure) *of land are granted* in the fields for each burgage; in the charter of Rathcool there were assigned *for each burgage four acres of land*, in messuages, meadows, and arable; in the charter of Inistiogue it was granted, that the burgesses should have and hold all their burgages well and peaceably, &c. with *the three acres of land* to each of them assigned; in the charter of Rathmore, (granted by Maurice Fitzgerald, said to be ancestor of the Duke of Leinster,) there are seven acres of land and a front assigned for each of

Dublin charter. Appendix, No. I. Charter of Waterford, 3 July 1206, grants the city, great port, all the lands, &c.

"tres acras ad quodlibet burgagium in campis."

* No less than *forty carucates of land* were assigned to the citizens of Limerick in *burgage tenure*, and at a yearly rent, as appears by the entry thereof on the charter-roll in the Tower, of the seventeenth year of King John's reign.

eighty-five burgages, and half an acre assigned and a front for each of eleven other burgages, making in the whole upwards of six hundred acres assigned as corporate lands for this one incorporation.

But in addition to this, there was a mode of increasing the common stock of corporate estates; this was the practice of conveying to corporate towns rights of commonage and of turbary, and frequently lands as exclusive commonage for such places.

"Communem in mora et montibus meis."

In the charter of Lord Maurice Fitzgerald just cited, he grants to the burgesses of Rathmore *common in his moor and mountains* as meared and

bounded in the manner therein described; in the charter to Kilkenny, a grant is made by William Marshal Earl of Pembroke, lord of that town, that the burgesses there should have common of his woods; in another charter to a town in the same

"Communem boscorum meorum habere."

county, it was granted that the burgesses should have common of woods, and also a common pasture in the manner there directed; the like privilege of commonage of woods is included amongst the rights granted to the burgesses of Wexford; in

"Commun' boscor' nosror' et comunem pasturam habere per totum," &c.

See Appendix, No. XXVI. for charter of Rathcool.

the charter to the burgesses of Rathcool, their common of mountain is conveyed to them and their heirs at an increased rent of four shillings of silver yearly to be paid; and in the year 1219, it is solemnly found by inquisition, that Theobald de Verdun, having, in or soon after 1172, founded the corporation of Dundalk, he assigned burgages to the burgesses there created, and by virtue

Inq. 6 Edw. II. See Appendix, No. XXVII.

thereof certain places were assigned to said town for having a common of pasture there undividedly to be held for ever.*

Besides also the clause usually inserted in such grants, empowering the incorporated to improve and build upon their waste lands, to build on the river banks, to make tenants, &c. they were at liberty to make new acquirements, and the estates so acquired they had authority by charter to bestow, sell, or appropriate as they pleased: the authority so given seemed at that time to be necessary, and to have been considered legally sufficient; but after the statute of mortmain, when renewing or confirming their former privileges to any of the ancient corporations, the crown granted this power of acquirement in more express terms. Thus, in renewing the charter of Waterford, it is granted, "That they by the name of mayor, &c. of the county of the said city, are and shall be for ever hereafter *personable* and in the law capable to *have, take, acquire, receive, possess, enjoy and hold manors, lands, tenements, liberties, privileges, jurisdictions, franchises, and other hereditaments*

"Omnes conquest'
suos donare
vendere vel
invadiare."
Charters of
Wexford,
&c.

Charter of
Waterford.

* King James the First found these commons in possession of the ancient corporations, and therefore in his confirmatory or renewal charters it is not unusual to find the following clauses, "And that the aforesaid bailiffs, free burgesses, and commonalty of the same town or borough for the time being, by several metes, limits, and bounds, can and *may be able the commons of same town or borough to divide and distinguish into different quantities or enclosures, and the same so divided and distinguished with ditches and hedges to encompass as to them may seem best,*" &c. See charter, 3rd August, 7 James I. Appendix, No. XVII. &c.

whatsoever, of what kind, nature, or species soever they shall be, to them and their successors in fee and for ever, and for any terms whatsoever. And further, that they and their successors, special licence, free and lawful power, faculty and authority of having, acquiring, receiving, and possessing to them and their successors for ever, any other manors, messuages, lands, tenements, meadows, pastures, woods, rectories, tithes, revenues, and other hereditaments whatsoever within our kingdom of Ireland, from us our heirs and successors, or from any body politic or corporate, or from any other person or any other persons whatsoever, which are not holden of us our heirs or successors immediately in chief or by knight's service, &c. the statute against mortmain or any other statute, &c. notwithstanding." In a similar manner in all the charters by which King James I. created new corporations in Ireland, he invariably invested them with the same power of acquiring; "And that they," (say his new charters,) by the name of the provost, free burgesses and commons of the borough of D. may be and shall be for ever in future times, persons able and in law capable to hold, purchase, receive and possess lands, tenements, liberties, privileges, jurisdictions, franchises, and hereditaments whatsoever of any kind, nature, or species, they may be, to themselves and their successors in fee and perpetuity."

See charter
27 Nov. 10
James I.
Appendix,
No. XX.

In such way the corporate towns after a time

acquired extensive interests in lands, grounds, and tenements; and by the middle of the seventeenth century, few if any of them existed without the possession of such estates. In the year 1640, (it is here worth observing,) a bill passed the Irish parliament and received the royal assent for creating provision for the poor; and certainly, judging from that document, we must admit that the legislature considered there was then a waste or commonable tract within every parish in town or country in the kingdom, and therefore dwellings or habitations it was ordered should be built on such for the destitute of the parish. “And be it further enacted, that it shall and may be lawful for the said overseers of the poor, by and with the advice and consent of the parson, vicar, or curate of the parish, and the churchwardens and parishioners of the same, or the greater number of such of them as shall be assembled att the monethly meetinge for those affaires, and according to such order as there shall be sett downe, to build within any the wasts or commons within the said parish, with the consent of the lordes of the soile, convenient places of habitation for the said poore people of the said parish to dwell in, and to place () or more families then one in any such house or cottage, any former law or statute to the contrarie notwithstanding; which houses and buildings for the poore shall not at any time be used or em-

Appendix,
No.
XXVIII.

ployed to or for any other habitation upon payne of forfeiture of forty shillings for every month that any such house, or building, or place, shall be imployed or used for any other habitation then for the said poore as aforesaid."

Books of
Distribu-
tion, Vice
Treasurer's
Office, and
maps and
books of the
Down Sur-
vey, Dublin
Castle.

In further and more positive proof of the former universality of corporate estates, let us but turn to that extraordinary compilation which Sir William Petty, Lord Lansdowne's ancestor, prepared under the auspices of Oliver Cromwell, namely, the books of distribution of the Down Survey, or account of the proprietorship of the principal landed estates in Ireland, as found by actual survey in the year 1655: by these records (which it is not pretended contain one-half of the corporate properties), much curious and valuable information will be obtained on the subject. Few corporate towns, it would appear, even then were without valuable and extensive landed estates; and if we turn to the survey of Dundalk, Leighlin, Clonmel, Lusk, Rathcool, Carlingford, and of one hundred other incorporated places, we cannot but ask where now are these estates? Who are the usurpers? Under what pretence? When and by whom such spoliation? And where can any colourable grounds be pretended at this day for such daring usurpation?

But whatever spoliations have been made in this respect, or whatever leniency the tribunals may have shown heretofore towards such violators

of the most solemn and useful public rights, it can be safely said, that the law has been always clear and decided on the subject. In the case of Richard Bennett and the borough of Cashel, in the year 1576, as also of William Croche and the borough of Fethart, landed estates were recovered (some after an adverse possession of one hundred and forty years,) on the principle that these corporations could not acquire lands and tenements without licence contrary to the statute of mortmain, and further, that they could not demise or alienate in fee farm, &c. Corporate property in Ireland was necessary to be perpetually preserved; it was applied in the first instance to the useful public trusts contemplated by the very incorporation of such places; and it next became applicable to all those charitable and other purposes against which the law will not admit of bars. In this point of view, as a foundation strictly eleemosynary, or as a property a right to which cannot be acquired by length of time, corporation estates have always been taken and adjudged in Ireland.

It was under this conviction that King James I. was advised to issue, and did issue a commission under the great seal of England on the 20th of March 1622, to inquire into corporate property and other subjects of high interest in Ireland. This commission his Majesty addressed to the deputy of Ireland, to the LORD CHANCELLOR, the ARCHBISHOP OF ARMAGH, the VISCOUNTS GRANDISON

Commission AND WILMOTT, LORD CAULFIELD, SIR WILLIAM
 enrolled ROLLS CHANCELLOR, LONDON: see
 Appendix. JONES, JUSTICE OF THE COMMON PLEAS IN ENG-
 LAND, SIR DUDLEY NORTON, Secretary of State,
 SIR FRANCIS ANNESLEY, another Secretary of
 State, SIR FRANCIS BLUNDELL, SIR WILLIAM PAR-
 SONS, Surveyor-General, SIR DUDLEY DIGGS, SIR
 JOHN JEPHSON, SIR THOMAS PENRUDDOCK, SIR
 JAMES PERROTT, SIR THOMAS PHILLIPS, SIR NA-
 THANIEL RICHE, SIR HENRY BOURCHIER, THEODORE
 PRICE, D.D. THOMAS CREWE and RICHARD HADZOR,
 Esquires; and the commissioners so named were
 empowered to inquire into the state of the church
 and parish churches of Ireland, the appropri-
 ations in church livings, the building of churches,
 all things affecting the decay of religion or of
 churchmen there, and especially all alienations
 made of church property, to whom made, when,
 and of what value, and how the same lands may
 be restored to the church. Next, his Majesty em-
 powers them to inquire as to corporate property,
 which he does in the following words:—"We doe
 hereby give unto you or any such eight or more
 of you as is aforesaid, like power and authoritie,
 as well by such examinacion uppon oath or with-
 out oath as by all other good and lawfull meanes
 as aforesaid, to enquier, discover, find out, and
 enforme yourselves *what lands, tenements, rents, or
 hereditaments have byn given, lymitted, intended,
 or appointed by us or any of our progenitors or
 predecessors, or by any other person or persons,*

Corporation
 estates clas-
 sed as those
 of free-
 schools, or
 other charit-
 able or pub-
 lic trusts.

to any COLLEDGE, FREESCHOOLE, or to the MAINTENANCE OF ANY CORPORACION OR OTHER CHARITABLE OR PUBLIQUE USE OR USES within our said realme of Ireland, by whome the same have bene given, and when they were so given, and where the same lye or be, and of what value they are, and to what colledge, freeschoole, corporacion or other charitable or publique use or uses the same were given, limitted, intended, or appointed, and what and how many of the said lands, tenements, rents, or hereditaments, or any rent or profit out of the same, now are, or sithence the first yeare of the raigne of the late Queene Elizabeth have byn either wholie or in parte converted to the use of any private person or persons, or to any other use contrary to or varying from the right use or institution to which the same were heretofore designed, appointed, limitted, reserved, kept, used or employed ; and to what use they have byn soe employed, and by whome, and by whose meanes and to whose benefitt and advantage the same have bene soe converted, and generally of all and every other matter and circumstance in any wise concerning the premisses, as to you or any such eight or more of you as aforesaid shall be thought meete ; and alsoe to consider and fynd out by what good wayes or meanes the said landes, tenements, rents, or hereditaments may be restored to the good, charitable, and publique uses, employments, and institutions for which they were formerly designed."

Sixty-four
years ad-
verse pos-
session not
allowed.

Though the almost general usurpation of town estates had not been effected at that time, nor until after the Commonwealth government arose, yet it is not unlikely but even then there was a field sufficiently wide for the commissioners' exertions, if the exclusive variety of other duties in that commission, (including church, law, corporations, and revenue,) and the death of the king, had not in a great measure prevented those desired proceedings.

But the principle that corporate estates were held by the crown and its advisers to be *eleemosynary*, and as such were classed with the estates for *public works*, *poor schools*, and for *hospitals*, is a fact that appears on the face of many of the charters themselves; thus this important fact (if admitting doubt or question) is proved in many instances by the only title or pretension many of the present corporations possess to corporate existence. To illustrate this, let us extract from charters so recent as the seventeenth century:—"We have also given and granted of our special grace, certain knowledge and mere motion, and for us our heirs and successors do grant and give licence to the aforesaid sovereign and free burgesses, &c. and their successors, that they and their successors from time to time in future times for ever hereafter, when it shall seem to them most expedient, may obtain and receive manors, towns, lands, rents, tenements, and hereditaments what-

See Charter
3 February,
9 James I.
Appendix,
No. XVI.

soever with their appurtenances, to the yearly value of 40*l.* sterling beyond reprizals and taxes whatsoever, or within, of any person or persons willing to grant, give, or bequeath, to assign or alienate the same to them; TO HAVE AND TO HOLD TO THEM AND THEIR SUCCESSORS *for the support and amendment of the BOROUGH aforesaid, and of the WALLS, QUAYS OF THE SAME, ALSO OF THE PARISH SCHOOL and HOUSE OF THE POOR CALLED THE HOSPITAL* in the borough aforesaid; and in the same manner and form, we give and grant licence to the same person and persons so willing to give, grant, or alienate the aforesaid manors, towns, lands, rents, tenements, and hereditaments, to the aforesaid sovereign and free burgesses, or their successors, to the yearly value aforesaid or within; the statute of not putting lands and tenements in mortmain published, or any other act, statute, act, ordinance, or provision, thereupon to the contrary made, ordained, or provided in any wise, notwithstanding."

Such charters as these last cited are not unfrequent, and they now offer convincing evidence that heretofore the crown and its highest authorities deemed the estates of corporations to be like the estates of poor schools and hospitals, and consequently such as no title could be gained to by length of possession. But the question at this day is scarcely open to dispute: King James I. as a matter of special favour, granted occasion-

Irish Act,
32 Geo. III.
ch. 31.

ally to some corporations a power or licence of alienation, such, for instance, as that, on the 3rd of March 1609, to the corporation of Limerick, to give or grant and demise and assign the same lands, &c.; but this high stretch of prerogative became extremely questionable, and in modern times, and ultimately, it was thought necessary to pass a statute *enabling the king* to grant a *special licence* before any corporation could *alien* or purchase in mortmain.

Geo. III.
ch.
doubted
whether ex-
tended to
Ireland.

Not to dwell longer, therefore, on this point, it may in a few words be said, that the number and extent of such estates are exceedingly great in Ireland—that for the reasons set forth in another part of this work, the restoration and due appropriation of every such property will become a measure of essential necessity—and that the cheap and summary means of recovery of similar estates, which were provided by the act of the Geo. III. be made available for all such proceedings in Ireland.*

* This, it must be understood, is said without any reference to a *Statute of Limitations* passed in last session (3 & 4 Wm. IV. ch. 27.) which statute seems to deserve here something more than a passing observation. It seems that some years since a commission issued to inquire into the common law, &c. in England, and while the commissioners were proceeding on their inquiry, it was asked in parliament Would their labours extend to Ireland? Sir Robert Peel (home secretary) answered that such commission was confined to England, but that on reporting if they recommended an act to be passed, and if such act after being passed was found to *work well* for England, his Majesty's government would then recommend a similar commis-

It may be well, however, to close this chapter with some striking instance of spoliated or usurped corporate property ; and in doing so, though for

sion to be issued for a *new and distinct inquiry* in Ireland. By this official declaration, and some subsequent statements made in the House of Commons within the last two years, the Irish public were completely thrown off their guard as to a limitation act, and it was not until November last, when the Sessional Acts were reprinted in Dublin by the king's printer, that the Irish people found that silently the legislature had prepared for them a general statute of limitation, taking effect as to lands, rents, mortgages, &c. *from 31st December then next following!!* The legal profession seemed taken by surprise, there was no time to prepare proceedings, and though the judges sat in chamber out of term to give every facility for motions connected with the revival of judgments, &c. and though the law and equity offices in Dublin were kept open until 12 o'clock on the night of the 31st of December to receive all bills, declarations, &c. up to the latest moment, yet so much business remained undone, so many thousands of pounds of mortgage money were thrown into jeopardy, that the public interest calls for a new act forthwith.—In the law offices in Dublin, the name of Serjeant Perrin is unaccountably connected with this statute, but certainly without reason ; for that gentleman would have advised with his brethren of the bar in Ireland, and, moreover, never could so treat the monied and landed interest of the country. As the head officer also in the new commission of corporate reform, it would be monstrous to suppose he should suggest an enactment which it is now too clear will render corporate reform wholly useless, for one of its first and most important objects, namely, the restoration of the poor man's property. The Irish constituencies must look to this.—The only exception in the Act with reference to Ireland, namely, that as to ecclesiastical patronage, it is but right to say was effected through the exertions of an honest citizen and corporator of London, Mr. R. L. Jones, who, with others his colleagues, having a due regard for their corporate property in Ulster, sought interviews with government, and ultimately had the satisfaction of seeing this saving inserted in the Act. So much for the paramount influence of *one English* corporation ! But this Limitation Act, under all circumstances, demands the most immediate attention.

the recency of the facts, the extent of estate, and the peculiarly deceptive guise of patriotism and *mock liberalism* under which it was effected, the MARYBOROUGH usurpation seemed to furnish the most pre-eminent example,* yet many other reasons cogently press for giving a becoming preference to the usurped property of PORTARLINGTON borough.

It appears that a large district in which stands the present town of Portarlington, had been for many centuries, even before the arrival of Henry II. in Ireland, the estate of a native Irish family called O'Dempsey. This family, placed close to the original English settlements, had long cultivated the best understanding with the government of the Pale, assisted it with men and arms in all warlike proceedings, and, giving up the con-

* But this preference is given also to Portarlington, from the fact that there is now little doubt that the great *precedent for recovery of public town property* in Ireland will be furnished by immediate proceedings as to the estates of Maryborough town. The property attached or incident to the inhabitant householders of that place, as described and admeasured in the maps and records of the Down Survey, were of the most extensive and valuable nature, and usurped by the families of DE VESCI, PARNELL, COOTE, &c. The first usurpation was brought about by a breakfast given to the exclusive and monopolizing burgesses, who having made an illegal transfer of a large portion of the property on that occasion, the shrewd Lady De Vesci observed, perhaps rather greedily, "as they, the burgesses, had given so much for a breakfast, why not now *try the effect of a dinner!!*" There are other amusing facts and anecdotes that must enliven those who have to unravel these iniquitous proceedings. But the proofs and papers are too voluminous for a work of the present description, and will meet the public eye in another form.

nexions and usual alliances amongst the native tribes, seemed solely desirous of showing allegiance to the crown of England. The value of this to government was long and sensibly felt, not so much from the power of the sept, or the extent of the district, as from their situation on the confines of other native tribes, the persevering and irreconcilable foes to English authority. Still, however, though at times suggested to the crown by different viceroys, it was not until the year 1631, that the head of this family was raised to the peerage, and this was done by a patent, which describes Sir Terence Dempsey, (then created Viscount Clanmaleer,) as among the more *illustrious men of the kingdom, proudly descended, and chief of his name, WHO FOR AMPLITUDE OF ESTATES, splendour of birth, and fame for heroic virtue, well deserved the highest titles of honour.* In ten years after there occurred in Ireland, as fomented or hurried on principally through means of Sir Charles Coote, Sir William Parsons, and other adventurers, the revolution or rebellion of 1641; and, after nineteen years of civil wars and Cromwellian government, King Charles II. was invited back from the Continent to the throne of England, and thus happened what is termed the Restoration! Orrery, (the adviser and stipendiary of Cromwell,) Anglesey, and others, the deadly foes to royalty, anticipating this inevitable event, proffered their services in good time to the king,

See copy of the creation patent, dated 22 Dec. 1631. Lords Journals, Ireland, vol. i. p. 85.

Public Sta-
tute, 14, 15
Cha. II.
ch. 2.

Same, 17,
18 Cha. II.
ch. 2.

and so ingratiated themselves into favour with the crown by their assistance on this occasion. The government of Ireland was handed over to such men, and instead of the Irish gentry re-entering into possession of the estates (as was done towards the gentry in England) from which they had been expelled by regicides and armed fanatics, this Lord Orrery, (as his biographers inform us,) framed a statute, which lawyers since have called the "Act of Settlement," and thereby creating a court of claims, and devising such and so many strict proofs or qualifications to pass through this new ordeal before anti-Irish commissioners, that the greater number of the ancient proprietors never recovered their lands, but the same either were granted to courtiers and favourites, or confirmed to the Cromwellian soldiery. Let the learned in the law perplex themselves, (as they have often done,) and tire their hearers with detailed attempts to explain the meaning and effect of this direful statute, and of the subsequent act, called the "Act of Explanation;" let them go through all the intricate mazes of these two voluminous enactments, and ultimately they must admit that the object of both was a general transfer or revolution in the landed interests of Ireland, and that in the end such object was completely effectuated. If a practical instance of this were necessary, a few remaining facts as to the present case would furnish one most conclusive; the

estates of Lord Clanmaleer were found to be "seized, sequestered, and set out," by reason of the rebellion of 1641, and under the subtle provisions of these two statutes were withheld as a forfeiture from his lordship. Now it may perhaps be thought, (judging by what is usual and right in every other country,) that as the estates were confiscated, so the title of honour was attainted, and the individual executed or banished : but no, it appears that in effect, under the two extraordinary acts mentioned, estates might be attainted and confiscated though the proprietor of them could not ; and in consequence of this, we find Lord Clanmaleer in every way recognized by Parliament and Charles II. as a peer during those very proceedings, and even *public documents still existing* show that it was represented to the crown as an extraordinary case to leave this peer without his property. But perhaps it here may be supposed, that during the civil wars these estates had been conferred upon some of the Commonwealth soldiery, who having committed *more than their ordinary atrocities against the crown, and against the Irish, could not* be removed therefrom, consistently with the *policy pursued* by government : this supposition, however, is erroneous ; the Clanmaleer estates were not in possession of any such favoured persons, but being eagerly sought after by Sir Henry Bennet, the *English home secretary of Charles II. though he*

had no connexion with Ireland, had rendered no services there, and never at the time had been in the country, yet they were granted by the king to him and his heirs for ever!! Thus fell the ancient and noble house of Clanmaleer! for ages the dynasts of that country! for centuries the zealous assistants* and upholders of English authority! and their wreck affords a true and striking exemplar of the fate of Ireland in the seventeenth century.

Sir Henry Bennet, like all others about the king's person or in the government, had constant information as to such estates from the Irish executive and its subalterns; and Orrery (as a good preliminary step towards supplanting his colleague Ormond) suggested specially a grant of this estate to the secretary, and thereby quickened his progress to Sir Henry's confidence and favour. But difficulties arose in accomplishing the grant, and it appears by written documents on the subject, that the transaction presented some features so unjust and dishonest, that the English secretary and the Irish government, with all their power, were forced (for its effectual management) to have the aid of a well-known popular leader, whose fame will for ever sink when

* Amongst the state iustruments printed in *Rymer's Fœdera*, will be found the royal writs issued out of England by King Edward II. &c. to the chieftains of the house of O'DEMPSEY, when *seeking aid and assistance* from them and the other Irish princes.

his name appears coupled with this disreputable agency. However, the grant was passed to Sir Henry Bennet of all the O'Dempsey estates in the King's and Queen's counties, and having so acquired sufficient landed pretensions for seeking a peerage, he was, on the 14th of April 1664, created Baron Arlington, of Arlington, in the county of Middlesex. To confirm the grant, he thought it advisable to have a special clause passed in the Act of Explanation; and though this was accordingly done, his cautious fears still continued. He therefore petitioned the council of Ireland, in February 1666, stating his intention to introduce *English settlers upon the said lands, protestantism, &c.*; and thus artfully dealing in the profitable vocabulary of that day, he obtained a charter from the crown, creating a borough within part of the lands called Cooletoodera, in the Queen's county. It should be stated here, that so great was the anxiety of these new settlers to efface all ancient recollections in Ireland, that the parliament of Lords Orrery and Ormond, by one of their acts, enacted that the governor and council should be able to give new *English* names to the ancient Irish names of places; and that after a time such new names should be the only ones known or allowed in the country. This ridiculous power, which best exhibits the narrow intellect of the Cromwellian assembly of that day, was quite ineffectual, and would be here as little

Public Sta
tute, 17, 11
Cha. II. ch
2, sec. 78.

deserving of our notice as many other of their gothic proceedings, but that under such power Henry Lord Arlington was pleased to have the borough so created in Cooletoodera thenceforth called PORT-ARLINGTON. This borough, by charter, was to consist of one sovereign, two portreeves, and twelve burgesses, who might admit freemen as they thought fit, and the sovereign, &c. obliged to take an oath to faithfully *keep and hold the franchises* to the utmost of his power, &c., do right as well *to the poor as to the rich, &c.*; they were empowered to return members to parliament, and for the encouragement of the settlers and *inhabitants, certain lands were expressly granted by the charter for the use of the said borough* for ever. It only remains to be added, that soon after this, Lord Arlington sold all his interest in the Clanmaleer estates to Sir Patrick Trant, who was an adherent to the cause of King James II. at the period of the revolution.

Here, in tracing the history of this corporate estate, we come to another important and incredible epoch in Irish history; for upwards of five hundred years the people of Ireland had been governed by their own laws made in their own parliament; by an Act of the Irish parliament solely it was, that Henry VIII. his heirs and successors, were made kings of Ireland for ever. This paramount authority of the Irish legislature to make acts for the Irish people had been declared in se-

veral statutes, had been always acknowledged and enforced by the crown, and even sometimes affirmed by judicial authorities in England. Notwithstanding all these facts, however, and though no statute had been passed in Ireland depriving James II. of his crown, though he had his army, his parliament, his chancellor, his privy council, and great seal as usual there, like all his predecessors kings of Ireland, with every other requisite and authority for enforcing obedience; yet, as soon as the articles of Limerick were signed, and twenty thousand of the flower of the Irish nation under those articles left the country for ever, then the estates of Sir Patrick Trant, and of every other person aiding James II. were confiscated, and their late proprietors attainted for that cause only!! It is unnecessary to pursue this subject, though little has been heretofore known as to *some essential facts connected* with the proceedings of this era. In 1696, William III. having created Rouvigny, one of the foreign officers who accompanied him into Ireland, Earl of Galway, and appointed him one of the lord justices of Ireland; his lordship sought the king to bestow upon him the large confiscations of Sir Patrick Trant, which his majesty granted accordingly by letters patent; and Rouvigny portioned out the principal part of the estates amongst tenants, by leases for lives renewable for ever. But who were selected as the tenants on this occasion? The O'Dempsys,

perhaps, who now without a head or chieftain might peaceably continue the humble cultivators of the soil? No. Well, those English settlers or protestant colonists sent over by Lord Arling-ton? No! neither of these: the estates were now vested in a *foreign general*, who from the manner in which he obtained them, thought himself fully entitled to deal with them as he considered best; and accordingly this Baron Rouvigny, Earl of Galway, and Lord Justice of Ireland, divided the whole estate amongst his own *Dutch* and *French* followers, while the O'Dempsys, through so many centuries the faithful servitors of the crown of England, were sent to wander in misery round the globe. Here end the afflictions of Ireland for the seventeenth century.

But each century seemed to open with some new wrong to Ireland, and certainly this observation is applicable to none more forcibly than to the eighteenth. It appears that the lavish grants of the Irish estates made by King William to his officers and others, caused strong heats and discontents in the English parliament; and it was there ultimately carried, that as the revolution was effected in Ireland at the expense of England, so all such lavish grants to favourites should be resumed and sold for the benefit of the public. For this purpose, an *English* statute, called the Act of Reassumption, was passed, whereby all such grants were made null and void, and the estates

resumed to be sold. Here in times of peace was a precedent laid for English acts of parliament having force to bind Ireland; and it was not until too late for remedy that those few leading persons in Ireland, who early joined the cause of King William and declared against the alleged tyranny of King James, now found they had aided in destroying the independence of an ancient kingdom, and in the struggle had been but extinguishing their own liberties and birthrights. However, there then existed no materials for a nation in Ireland; there was a government staff of prelates (secretly discontented), foreign officers, and foreign nobility; but the flower of the nation was gone, and it required eighty years after their departure from Limerick to revive or reproduce a national spirit. For so long, therefore, the rights, properties, and liberties of Ireland were regulated at the desire of another kingdom. When the above Act, however, passed in England, there was an end to Lord Galway's interest in the O'Dempsey estates, as there must have been also to the leases of his *Dutch* and *foreign colonists*, were it not for a private Act of parliament passed in the year 1702, when the same Lord Galway had returned as lord lieutenant of Ireland, and which Act, under pretence of confirming the *protestant* settlement at Portarlington, contained provisions which ultimately secured them in their leasehold possessions. While these claims were pending,

there was a petition or claim lodged for *the lands belonging to, and originally appropriated for the use of the borough*, and this claim *was likewise granted, allowed and decreed*, by the trustees then authorized for the purpose. As for Lord Galway's late interest in the estates, they were sold by the same trustees in the year 1703 to an English trading company of extensive capital, and this company sold its right in some time after to a gentleman who settled near the town, and into whose family (now represented by a noble earl) the "patronage" of the borough ultimately came. It is alleged to be matter of local notoriety and complaint, that this family finding the *foreign colonists* poor, ignorant, and illiterate, soon became entire masters of the corporation, appointing or excluding as they thought best; and in this way they account for the following extraordinary transactions which perhaps form the gravamen of the present case. On the 4th October 1784, by deed duly executed, it appears that the sovereign, bailiffs, and burgesses of Portarlington, made a lease to Lewis Huggins of the lands *originally appropriated for the use of the borough*, to hold same lands in trust *for the use of the patron of the borough* for seven hundred years, at the yearly rent of 60*l.*!! It further appears, also, that by another deed, dated the 25th of February 1802, the same sovereign, bailiffs, and burgesses, sold to the patron the

two tracts of common belonging to the borough!! Now the injustice of such grants is rendered palpably evident by the fact that each of the corporate nominees executing these deeds had a conveyance from the grantee to himself, individually, of a certain portion of the lands he joined in alienating illegally; and the popular execration of such injustice was heightened, when lately, in the hour of an awful visitation which desolated the town, no local aid, no town-funds, no public or corporate property, was forthcoming, with which to aid the destitute and dying, or check the ravages of a desolating disease.

Here now let the dictates of justice be imperative, and let us not close our eyes to the merits of the counter case. It appears that all the above circumstances had been long known and spoken of in Portarlington, but that it was not until after the Reform Act had passed such accusations were collected, embodied, and so powerfully put forth amongst each class, *reforming* and *conservative*, as to raise popular indignation against the patron and his long exercised system of nomination. But the dexterity of electioneering was too closely imitated in this instance; it was not stated amongst the electors that the noble peer had done what most peers in England, Ireland, and Scotland had been doing for years—that to these doings, not only the cities and towns had submitted and become instrumental, but even

the public and parliament had recognized that peculiar and privileged person, the "patron of a borough." In the gazetteers and printed topographies of Ireland, before the year 1800, it would be considered a serious omission if the name of each "borough patron" was not accurately given; and in the year 1800, a large portion of the 1,500,000*l.* awarded by commission at the Union, was claimed, allowed, and granted, as compensation for "patrons of boroughs." Letters and pamphlets also in this particular instance were freely circulated about the neighbourhood, and though it was admitted that the noble patron was *an infant* when the deed was executed to Huggins in 1784, and actually *a minor* when the commons were alienated in 1802, and though in other respects these publications fully exonerated his lordship from any of the "improprieties and monstrous irregularities" detailed, yet with tact and irresistible power the weapons were hurled at his lordship's monopoly. Ultimately, however, the reforming interest obtained the support of one of the high "conservative" characters of that neighbourhood, one who had been long known as an unflinching opponent of all such reforms, and his name was publicly used and proffered to his lordship as a guarantee for the production of all the charters, deeds, and other proofs necessary for establishing this tale of spoliation. The offer was refused, and his lordship's power then for

ever ceased. An Englishman, unconnected there and unknown, was chosen member for the borough, and promised the new electors restoration to their estates, their rights, and liberties. A long period however has elapsed; we are in the second session of the reformed parliament, and no estates have yet been restored to the town. But to finish this eventful fragment from Irish history, let us add, that the boon conferred upon Portarlington, (like most others tardily and reluctantly granted to Ireland,) came accompanied by its drawback. Portarlington obtained an enlarged constituency, but she also got a limitation to her valuable rights; she revelled in the joy of an election which was uncontrolled by the late noble monopolist, but the member of her choice has let pass without opposition, question, or notification, an enactment which was intended, as is said, to confirm for ever the possession of all usurped corporate estates.

Perhaps a more appropriate or useful supplement to this chapter cannot be offered than the following notes of corporate estates and commons lands, which were collected some time since from the Down Survey Records in the Castle, Dublin, by a friend of the author's.

NOTES taken from the MAPS AND BOOKS OF THE
DOWN SURVEY (in the CASTLE, DUBLIN,) of all
COMMONS AND CORPORATION LANDS in the several
Parishes, that happened to be surveyed by the
COMMONWEALTH SURVEYORS, as what they called
FORFEITURES.

The letter P. before the quantities of land, signifies profitable: in
other cases the land is unprofitable.

County of Antrim.

Loghgeele, bog, common to the adjacent towns, 14a. Or. 32p.
Ballimony, ditto ditto, 173a. 2r.
Billy, bog, in common, 111a. 2r.
— ditto, 501a.
Kells, bog, common to the adjacent townes, 255a.
Dunnaghy and Grange, a large bog, in common.
Finvoy, a common to the adjacent townes, 307a. 2r.
Glenarme, bog, common to the adjacent towns, 4557a.

County of Down.

Segoe, a bogg, in common to the adjacent towns, 21a.
Donagglonie, ditto, ditto, 30a. 2r.
— mossy bog, common to ditto, 243a.
Tullelish, a woody bog, common to ditto, 80a.
Dromgolane, bog, common to ditto, 213a.

County of Armagh.

Cregan, bog, common to the adjacent townes, 240a.
— red bog and logh, common to ditto, 60a.

County of Tyrone.

Donoghkiddy, a peece of mountaine, common to five townes,
P. 43a. Unprofitable, 30a.

County of Carlow.

Loughland, mountaine pasture and good commons, belonging to Old Laughlin, P. 1716a. 3r.

— commons belonging to the several townes in this parish, P. 610a. 1r.

County of Cork.

Cloyne, bog, common to the adjacent towns, 54a.

— ditto ditto, 20a. .

Ballioghtra, ditto ditto, 182a.

Donbolloge, commons belonging to Donbolloge parish, P. 2012a. 2r. 16p.

Affadowne, commons to the adjacent towns, 38a. 0r. 32p.

Caharagh, wood in common called the Murthering Glyn P. 154a. 3r. 8p.

County of Dublin.

Newcastle, common, P. 38a. 1r. 30p.

— common, P. 3a.

— common, P. 9a. 2r.

Killsoghnan, commons belonging to the parish, P. 135a.

Portrane, commons, 52a.

—, commons, 53a.

Garristown, commons, P. 5a.

— ditto, P. 2a.

— ditto, P. 3a. 0r. 20p.

Balmdun, ditto, P. 18a.

Balscadan, ditto of Balscadan, P. 30a.

Luske, commons, P. 200a.

Ballymore, ditto, P. 291a.

— ditto, P. 27a. 2r.

— ditto, part of Russelstown, P. 15a.

County of Kerry.

Killcomin, red bog, common to the adjacent towns, 431a. 2r. 13p.

Kilvanea, common to Kilvanea and Kilbonane parishes, P. 29a. 6r.

Killbonan, lands common to North and South Rossnakeatons, P. 19a. 1r. 9p.

- Killbonan, Curragh common to the adjacent townes, 42a.
 Kilgobane, commons to Behinagh, P. 20a.
 — ditto to the same, P. 505a.
 — commons to the adjacent towns, P. 150a.
 Kinnarde, commons to the proprietors in general of East and West Kinnard and Foherylghmore, P. 105a. 2r. 8p.
 Killgnane, unprofitable mountain, common to the adjacent towns, 2165a.
 Ventry, bog, common to the adjacent towns, 298a. 3r. 24p.
 Dingle, commons unprofitable, 6a.
 — ditto, 14a.
 — commons to adjacent towns, 36a.
 Rathvo, the commons of Lymore, P. 401a. Or. 23p.
 — ditto of Rathvo, P. 191a. Or. 28p.
 Kilmoyley, a bog, in common, 198a. 2r. 18p.
 Killury, commons, P. 6a. 3r. 30.

County Kildare.

- Leixlip, common belonging to Leixlip.
 Kildrough, commons of Moorestown, &c. P. 69a. 2r. 18p.
 Donoghcomper, a common belonging to the adjacent towns, P. 22a.
 Kill, the common of Kill parish, P. 202a. 2r.
 — a common between Allarty and Painstown, P. 37a. 2r.
 — the common of Painstown, Allasty, and Bishops court, P. 76a. 2r.
 Cloncurry, common belonging to Fenowes and Cultrim, P. 103a.
 Maineham, common, P. 74a. Or. 14p.
 Clonshanboe, common belonging to Clonshanboe parish, P. 233a.
 Ballraine, ditto to Clonfeart, P. 78a. 2r. 16p.
 Killcocke, ditto to seven townes mearing on it, P. 88a. 2r. 16p.
 — another part of same common, P. 56a.
 Bowdingstowne, common to Derry and Rathbeg.
 Whitechurch, ditto to Barrenrath, P. 157a. 1r. 20p.
 Naas, common to Naas, but chiefly to Osbornestown, called the common of Moanread, P. 294a. Or. 18p.
 Downing, common in Downing, P. 121a.

- Ballinofae, common in Stablerstown, P. 26a. 1r. 20p.
 Ardchill, a common belonging to Parsonstown, &c. P. 268a.
 3r. 11p.
 — common belonging to Diramany, &c. P. 8a.
 — common of Dromin, &c. P. 11a. 2r.
 — common to Teeknevan, &c. P. 36a.
 Carricke, ditto in Carricke, P. 59a. 1r. 18p.
 — ditto in Kinifad, P. 10a. 0r. 34p.
 — a peice of common in Grange, P. 6a.
 Tully, the curragh of Kildare, common to the adjacent townes,
 P. 3122a.

County of Kilkenny.

- Muckully, common to Muckully and Milltown, 383a. 1r. 16p.
 Kilkerhill, commons, P. 17a. 0r. 32p.
 Tubburd, ditto, P. 23a. 2r. 32p.
 Clonernore, in common, called Dalton's bog and Loghreagh,
 804a.
 Kilmagany, common to the adjacent, P. 17a. 2r. 32p.
 Cloan, mountaine in common to Cloane, &c. P. 200a. Un-
 profitable, 702a.
 Desert Moane, common to the adjacent towns, 378a.
 — commons of Ballybready, P. 496a. 2p.
 Kilbride, ditto to the adjacent towns, 630a.
 Kilmacnoge, unprofitable common, 39a. 2r.
 — profitable ditto, 113a. 2r.
 St. Patrick's, common danceing meadow, P. 36a. 3r.
 — ditto belonging to Lellingsrath, &c. P. 54a. 2r. 16p.
 Mayne, ditto betweene Suttonsrath and Ardlowe, P. 18a.
 Agharny, ditto between Ballyconra and Seskin, P. 64a.
 Tulleroan, common to Ballyroe, &c. P. 78a. 2r.
 Bannogh or } common to all the parish except Cooleshill-
 Bannanough, } beg, P. 209a.
 — Coolesbeg commons, P. 50a.

King's County.

- Ardnurcher, common to the adjacent towns, 21a. 2r.
 Kilmanaghan, common to Tenemulk, P. 56a.

Etagh, common to the adjacent towns, 360a.

Kilmurry, ditto ditto, 70a.

Lushmagh, common, difference between No. 3 and 8, P. 20a.

— another parcell of same, P. 28a.

County of Limerick.

Derrygaloane, bog, common to the adjacent lands, 195a.

Stradbally, bog, in common, 6a.

Killicknegarriffe, ditto ditto, 23a.

St. Patrick's, three commons belonging to the corporation,
P. 36a. 2r.

— bog, in common, 130a.

Any, commons.

Uregare, bog and curragh, in common, 124a. 2r.

Ballingaddy, commons, P. 16a.

Corcomahide, ditto to the adjacent townes, 216a.

Ballingary, common to all the adjacent land, by name Knock-
feerne, P. 511a.

Rathkeale, common to three parishes, viz. : Rathkeal, Croagh,
and Nauntenane, P. 394a.

Cloneagh, common to the adjacent lands, 133a.

Killfiny, ditto ditto, 130a.

Ardagh, ditto ditto, P. 59a.

Nantan, ditto ditto, P. 19a.

County of Longford.

Ballicormack, red bog, common to the adjacent town, e,
476a. 1r. 16p.

Knoghavall, common ditto, P. 2a. 0r. 16p.

County of Louth.

Drumiskin, the commons, P. 629a. 2r.

Louth, common of Louth, P. 65a.

— another parcell of the same, P. 15a. 2r.

Dundalk, part of the commons of Dundalk, P. 540a. 3r.

— the other commons of the same town, P. 15a. 2r.

— another parcell of commons of the same, P. 227a.

Carlingford, commons to the town of Carlingford, 1231a.

- Carlingford, commons of the parish, 172a. 3r.
 Killsaran, common near Boolis, 22a.
 Atherdee, commons of Atherdee Town, P. 108a. 3r.
 — another parcell of the same, P. 99a.
 — the great bog of Atherdee, in common, 922a.

County of Meath.

- Castlejordan, bog, common to several towns, 106a. 1r. 28p.
 Rattooth, commons belonging to the adjacent towns, P.
 23a. Or. 32p.
 — ditto ditto, P. 55a.
 — ditto ditto, P. 43a.
 — a common to several proprietors, P. 36a. 3r. 32p.
 Kells, White commons in Kells, P. 37a. 1r. 12p.
 — Great commons of Kells, P. 305a. 1r. 12p.
 Dunboyne, commons to three towns, P. 14a. 2r.
 — ditto, six towns, P. 72a. 2r.
 Athboy, part of the commons of Athboy, P. 65a. Or. 16p.
 Navan, the common of Navan, P. 117a. 2r. 16p.
 Skreene, two parcels of commons to Skreene Towne, P.
 45a. 1r.
 — another common of ditto, P. 17a. 1r.
 — bog, in common to Skreene, Clonestown, and Cooks-
 town, 81a. 1r.

County of Leitrim.

- Finagh, lough, common to the adjacent land, 83a. 3r. 8p.
 — bog, ditto ditto, 457a. 1r. 8p.
 — lough, common to the Barony of Leitrim, 206a.
 Inishmacra, commons to adjacent towns, 107a.
 — ditto ditto, P. 77a. 2r.

County Sligo.

- Killasbeg, a common, Knocknarew, 73a. 3r. 8p.

County of Mayo.

- Ardagh, a great bog, in common, 365a. 3r

Ardagh, another great bog, in common to adjacent lands, 350a.
 — commons to this barony (Tyrawly), 34300a.

County of Donegall.

Raphoe, commons of Raphoe, P. 211a.

County of Londonderry.

Ardmaghilligan, bog, common to Nos. 2, 3, 5, 6. 16a. 3r.
 — mountain, common to 10 and 12. 107a.
 — bog, common to the adjacent towns, 1001a.

County Fermanagh.

Clowntebret, common to five towns, 140a. 3r.

County Monaghan.

Aghalurcher, mountain, common to Lord M^cGwyre's land,
 6525a.

County of Cavan.

Kilmore, common to the adjacent towns, 14a. 3r.
 Lawy, ditto ditto, 276a. 0r. 16p.

Queen's County.

Castlebracke, common to the whole parish, P. 336a.
 — common to the adjacent townes, 385a. 2r. 16p.
 Burres, the commons of the corporacion of Marriborough,
 P. 302a.
 — another part of the same, 4a.
 — the same with No. 20, seaven parcels, P. 2a.
 Aghmacart, corporation of Waterford, Adrygoole, P. 50a.
 3r. 10p.
 Killermogh, a common belonging to the adjacen towne P.
 318a.
 O'Ferrilan, a peece of common to Comer and Belanahyly, P.
 283a.

County of Tipperary.

Burrine, common to No. 27 and 73, P. 227a. 0r. 32p.

- Killovinoge, common to Countess of Ormond and the O'Meaghers, 257a. 1r. 8p.
- common to the Barony of Eliogarty and Ikerin, called Pollagh O'Cahill, 351a. 0r. 32p.
- common to No. 75, red bog, 157a. 0r. 16p.
- Borisleagh, common to the adjacent lands, part of the bog of Ely, 1454a. 3r. 24p.
- Cullabegs, bog, in common, part of Monely.
- Thurles, bog, common to the adjacent townes, 115a. 1r.
- Inchyofurty, shaking bog, common to the adjacent townes in two parts, 667a. 1r. 8p.
- Templemore, common to the adjacent townes, P. 30a. 3r.
- Glankeene, red bog and curragh, belonging in common to the townes, 249a. 3r. 16p.
- Kilmaneuau, bog, belonging to the adjacent villages, 108a.
- Derigrath, two parcels of common neare Garriroe, P. 47a. 2r. 16p.
- Shanrehen, part of the Gualtiers, common to the parishes of Shanrehin, Whitchurch, and Reghill.
- Templederry, a parcel of common belonging to, in parish 573a.
- Killeniffe, common to the adjacent townes, 979a.
- Dollow, commons belonging to this parish, 1259a.
- Killmore, common to the adjacent townes, 111a.
- commons, Sleanfellinore, 1340a.
- Durra and Benocum, common to Balliduffe and Graige, P. 449a.
- common to Graige, P. 351a.
- Eglish, red bog, common to the parish and Lorhoe, P. 684a.
- Commons of Cashel not admeasured.
- Uskean, common to Uskean and Moderenhy parish, 423a.
- bog, common to Uskean parish, 602a.
- common to Dromemore and Killnalaghagh, 47a.
- Fenogh, common, bog and shrubs, 79a.
- common to the adjacent townes, P. 6a. Unprofitable, 101a.
- Killbarran, bog, common to Carrigegowne, 157a.
- Moderenhy, common to Cloghaston and Ballinarin, P. 61a. Unprofitable, 135a.

- Castletown, common to the adjacent townes, 199a.
 Toome, common to Bealenakelly, called Drumbrack, P. 15a.
 Clonolty, bog, belonging to the adjacent townes, 478a.
 Templeouteragh and Templebeg, undistinguished, common to the adjacent townes, 57a.
 — parcel common to the adjacent townes, 182a.
 — a parcel common to the adjacent townes, 699a.
 — commons to the same, (Comenegyhy), 60a.
 Youghill, common to the adjacent townes, P. 40a. Unprofitable, 10a.
 Burges, common to 31, 33. 34. bog and wood, 89a.
 — common to 42, 45, 47, 76a.
 Templecally and Kilmacstully, Tuntunneghill, common to the adjacent townes, 441a.
 — common to Rorane, P. 31a.
 — common to 89. 100. 115, 358a.
 — common to Gortneskehy and Curaghmore, 416a.
 Killoscully and Kilcomonty, common belonging to Garrinegrelagh, called Inchynayrosse, P. 10a.
 Kilmilinand, a parcel of common belonging to Macnigh, Tullagh, &c. P. 22a.
 — a parcel of common belonging to Garrane, which lies in the parish of Killoscully, P. 9a.
 — a parcel of common belonging to Culerosse, P. 18a.
 Religmurry, a common to the Abbey and Brodenue, P. 3a.
 Donoghill, bog, common to Shanballymore, &c. P. 30a. 3r.
 — bog, common to Clonmelcon, 15a. 1r. 24p.

County of Waterford.

- Glanaheyry Barony, the commons of Clonmell, P. 1300a. Unprofitable, 3803a.
 Ardmore, common to the forfeited lands in the parishes of Ardmore, Dungarvan, Kilsalebegg, Clashmore, and Kilmolash, called Slewgrin, alias Slewgeny mountain, 12400a.
 Trinity parish, common to the Corporation, P. 17a. 2r.
 — ditto ditto, P. 20a.
 Bishopscourt and Killcaragh, bog, in common, 52a.
 Balligunnertemple, bog, common to Balligunnermore, &c. 2a.

- Balligunnertemple, bog, common to Callahan, &c. 84a.
 Kill St. Nicholas, bog, in common to Ballyglany, &c. 21a.
 — bog, in common to Ballycanvan, &c. 122a.
 — bog, common to Crosstown, &c. 25a.
 Killea, bog, in common, 30a.
 Rathmelan, bog, common, 11a.
 Kilm^cCleige, common between Ballynolost and Ballyloghbeg,
 46a.
 Hand Ikan, bog, in common to two townes, 97a.
 — bog, in common to two townes, 28a.
 — bog, common to Ballyscanlan, 9a.
 — bog, common to Finoi, &c. 22a.
 — bog, common to Ballinkillis, 63a.
 Reisk, bog, common to Loughdahy and Ballyelligot, 46a.
 Lishnekilly, bog, common to Whitefieldstown and Adamstown,
 32a.
 Newcastle, bog, common to No. 100, 101, 9a.
 — bog, common to 98, 99, & 100, 22a.
 — bog, common to three townes, 163a.
 Donhill, bog, common to Ballyvellush and Killowen, 10a.
 — bog, common to Killowne and Shoneclone, 8a.
 — bog, common to Castlecraddocke and Kilstage, 17a.
 — common to Donhill and Lissawarren, 110a.

County of Westmeath.

- Killucken, common to the adjacent townes, 127a.
 Castletown, bog, common to the adjacent townes, 300a.
 Leny, common to the adjoyninge townes, 195a. 2r.
 Multifernon, common to the adjoining townes, 176a.
 Stonehall, common to the adjacent townes, 59a. 2r. 20p.
 Newtown, common to the towne, a great red bog, 940a.
 — common to the adjacent townes, 373a.
 Brawney Ter. common to ditto, 455a.
 — common to ditto, 267a.
 Mullingar, common to the corporation of Mullingar, P.
 260a. 3r.
 — another parcel of commons, P. 152a. 3r. 8p.
 — another parcel of commons, P. 12a. 0r. 16p.
 Newtown, a red bog, in common, 498a. 3r.

County of Wexford.

Clonegeene, common to Moorestown and Newcastle, P. 46a.

Drinagh, commons belonging to the adjacent townes, P.

55a. 1r. 28p.

Roslahir, the commons of Roslahir, 401a.

St. Molings, a piece of land in common to Ballyleagh and Bal-
linebannock, P. 127a.

Templedycan, common to the whole barony, P. 1258a.

CHAPTER IV.

TOLLS AND CUSTOMS.

These demands liable to abuse—long since denounced—parliamentary proceedings from 1635 to remedy—proclamation against in 1670—succession of Irish statutes to restrain.—Parliamentary Report of 1826 as to illegality, extortion, and violation of statute law.—Seven modern Acts of Parliament converted into dead letter by the corrupt influence of Corporations.—The validity of Corporate titles as to Tolls and Customs examined.—Title by prescription—title by express grant—observations on, and the difficulty of establishing a right by either—absurdities of title to toll by prescription.—Prices.—All grants of tolls were made by the crown in trust for specified public purposes, and for none other—collectors thereof always accountable to the crown for due application of the surplus payable to revenue, &c.—series of decisions and records to establish same.—Tolls and Customs by prescription, or by express grant, not equal to the expenses of collection—public purposes for which originally granted, now otherwise provided for by recent statutes—therefore the pretensions for their collection being at an end, it is proposed that all tolls and customs be for ever abolished.

THE tolls and customs long demanded in the towns of Ireland form a subject for distinct con-

sideration, and, as such, will now be exclusively discussed in the present chapter.

These exactions, from the smallness of their amount, and the ignorance and poverty of those generally on whom imposed, were easily made the subject of abuse, and ultimately offered means for illegal extortion. So early as the reign of James I., when certain commissioners reported on part of the customs demanded at that time in some towns, they pronounced them to be "grievous exactions, meer extorcions," and some of them seem to have already been forbidden by the statute-law under severe penalties. In the year 1635 the House of Commons of Ireland, by a resolution, brought the "excessive taking of toll and custom in fairs and markets in corporations and other places" under the consideration of government. In a few years after, when an healthy and popular feeling seemed to animate that parliament, there are instances where the House of Commons actively interfered in cases of illegal and oppressive exactions of this description; and certainly on the face of the journals there are still traces of a bill, or statute, then preparing on the subject, though such bill was afterwards lost sight of amidst the overwhelming events subsequently ensuing. In the reign of Charles II. the Earl of Essex, as lord lieutenant of Ireland, issued a proclamation, by which it would appear he considered the executive government and the council to have

Commiss-
sioners' Re-
port to Jas.
I. Clarend.
MSS. Brit.
Mus.

Commons
Journals,
Ireland,
v. i. p. 114.

Same, p.
139, 28th
Mar. 1640.
Same, pp.
140, 252,
257, &c.

a vested authority for correcting such abuses; as in his proclamation his lordship recites, that he had “received information that in many cities and towns corporate, greater customs, tolls, and duties than were really due had been of late exacted upon goods exported and imported within such cities and towns corporate, to the decay of trade and discouragement of merchants;” and directs that no new or illegal demands should thereafter be made, that schedules should be returned of all tolls and customs, distinguishing those enjoyed by charter from such as were claimed in any other right, to the end that his excellency and the council “might judge of the reasonableness of the same, and give such orders thereon as should be just.” In the reign of William III. these exactions continued still to occupy the attention of parliament, and statutes were passed in the reign of Queen Anne and George III. against taking toll “thorough,” as it is called, or toll for cattle or goods merely driven or carried through any places where not sold, for trying questions of tolls by law, for providing schedules of the tolls exacted under penalty of 100*l.* and for returning lists of such to the clerks of the peace, under a forfeiture or suspension of the right of taking toll.

Commons Journals, v. ii. pp. 205, 264, &c.

Irish Statutes, 4 Ann, c. 8
1 Geo. II. c. 17.;
32 Geo. II. c. 29.;
57 Geo. II. c. 108.

But these remedial provisions had not the desired effect, and the tendency to abuse which attaches to this description of demand, and that political importance which corporate bodies ac-

Report from
Select Com-
mittee on
Tolls and
Customs,
17 March,
1826.

quired in Ireland after the revolution of 1688, co-operated in exempting them from the salutary restrictions of the law. This appears pretty manifestly by a Parliamentary Report made some few years since on the Tolls and Customs of Ireland, wherein, without any inquiry into the origin or validity of the titles under which those tolls and customs are demanded, the report furnishes instances of the most marked neglect, and of active violation even of the modern statutes above cited. The committee, having been furnished with the several schedules returned to the clerks of the peace pursuant to the act already mentioned, made their Report in the following words: "After considering these returns, it fully appears that, notwithstanding the many existing laws to which in a former part of this report reference has been made, many most *exorbitant and illegal charges are still made* in markets, sea-ports, and fairs in Ireland, all of the most injurious tendency in checking commerce and industry. Several of these charges appear to your committee to be so burthensome and oppressive as to produce the most mischievous restraint both on the sale and transit of commodities. It appears from all the returns, without exception, made from one of the largest counties in Ireland, that the tolls invariably claimed on corn, potatoes, oatmeal, and fresh butter, *amount to five per cent. ad valorem*, and that duties of equal amount are claimed on

the sale of flannels, friezes, and the coarse woollen and linen manufactures of the country. In other fairs and markets *one-sixteenth in kind or in value* is demanded on wheat, potatoes, and oatmeal, and the general charge upon woollen goods amounts to *one shilling in the pound* sterling. In some cases the charge is made not only on the sale, but the exposure to sale, and consequently may either expose the vendor to an improvident sale, or to a repetition of this outrageous and illegal demand. As these charges are capable of repetition upon every sale, they may be imposed both on the wholesale and the retail purchase, thus doubling the amount of a burthen in its simplest form of a nature the most oppressive. Such tolls WOULD UNQUESTIONABLY BE ILLEGAL, EVEN THOUGH SUPPORTED BY AN EXPRESS CHARTER OR PATENT (a circumstance which your committee cannot consider very likely to be the case); but collected as they now are, they afford decisive evidence of the practical abuses prevailing in this matter in Ireland, and requiring the most decisive and effectual remedies to suppress them, and to prevent their recurrence. ‘Even were outrageous tolls granted with a fair and market,’ observes Lord Coke (2 Inst. 220), ‘the grant would be void.’ Nor are these examples of violation of the general principles of the common law the only abuses existing: the *statute-law has been violated in many important particulars*. The House will have seen that by the

1 Geo. III. ch. 17. s. 27. all turf, furze, and fag-gots are allowed to pass into and through every city and town free from all customs, tolls, and payments claimed by any officer or member of a corporation; yet in several cases claim of toll on turf and furze are specifically made, and a general charge upon wood and timber of all description seems to pervade a majority of the returns. In like manner, though potatoes are freed from all charge for weighing, not only are general charges for weighing all commodities introduced, but specific fees for the weighing of potatoes are set forth. Thus the intentions of the legislature in exempting from burthen the food of the lower classes of the community have been defeated, and the violation of a positive act of parliament is advanced as the supposed foundation of a claim of right."

The Report next details similar violations of the statute 3 George I., which exempts flax, yarn, linens, bundle-cloth, cottons, kelp, ashes, and flax-seed, as articles connected with the linen and cotton manufactures, from such local duties. The committee then adverts to the 4th of Anne, and to the violation of its provisions against toll *thorough* in several towns and markets from which schedules were received; they notice the illegal manner in which toll-boards are prepared so as that "*all the statutable exemptions may be violated;*" and as a proof of the recklessness with

which “the most *illegal* and *indefensible* charges” are included in those lists, they refer to numerous entries of tolls “for the standing of gambling-tables;” they further dwell on the felonious conduct of toll-gatherers, who administer oaths to ascertain whether cattle have been actually sold; and finally conclude by proposing heads of a new bill to be passed on this subject, which new bill so proposed is remarkable for containing a proposed *re-enactment* of no less than *seven* statutes, Irish Stat. 4 Anne, c 2 to 32 Geo III. c. 29. none of which were older than the year 1707, while some were passed even so late as the year 1792—a melancholy proof of the impotency of even modern legislation when directed against the overwhelming influence of corporate corruption.

Though this committee, as has been observed, chiefly confined its attention to those direct and palpable violations of modern statute-law which appeared on the face of the very schedules and returns made by the parties themselves, yet their observations on those tolls which “amount to five per cent. *ad valorem*,” and more, their declaration that such *exorbitant demands could not be supported by alleged charters or patents*, and their “reserving all questions of law and title for the superior courts,” show that the committee viewed with more than usual caution, if not with total distrust, those pretensions under which such dues were generally claimed. Under these circumstances let us now glance at some essential facts

bearing on the legal history of the customs and tolls of Ireland, with a view to develop more accurately the general question of *title* or *right*.

There are two grounds of title, one or the other of which these corporations always allege and plead as the basis of their right to tolls. Of these the first is "prescription," or a possession of the right from a period coeval with or anterior to the year 1189, when the time of memory begins; the other title is one by charter or express grant, which is in general a title of, comparatively speaking, modern origin.

The title by "prescription" has been often pleaded for tolls and customs in Ireland, and nothing but that peculiarly favourable tenderness with which legal functionaries after the revolution of 1688 continued to view the rights and privileges of corporations in Ireland, can explain why that title was allowed to the extent and in the manner in which it has frequently been. It is a positive fact, and capable of direct proof, that in the eighteenth century, under a "prescriptive" title alleged by a corporate body, sums of money have been adjudged as the amount of tolls and customs due on goods, which sums of money it can be shown were in and after the year 1189 equivalent to the selling price of the very goods themselves. But the absurdity does not end here; under this same title by prescription, which implies a continued perception or possession of the

same precise sum for goods of a similar nature from, in, or before the year 1189, monies have been paid as tolls and customs on articles or goods which were not used, introduced into, or in any way known in Ireland for centuries after that important epoch 1189! To pursue this subject further, and to point out evidences of much value and weight in this respect, we may mention that in the fourteenth and fifteenth centuries there are enrolled numerous charters, granting tolls and customs for limited periods to several towns in Ireland; and in all these, commencing so early as the year 1350 down to even 1450, the exact sums to be charged for the several articles are specified. Now, without recurring to the rate of prices or charges actually existing in the year 1189, and without at all taking into account the advance which must have occurred in prices after a lapse of more than two centuries, we may be fairly allowed on these several charters, granted at divers intervals by different kings, and to places situated in various parts of the kingdom, to found some average standard of the general charges or prices for tolls and customs throughout the country; and after due examination of those numerous charters, and comparing them with the charges now claimed in several places by "prescription" in Ireland, it at once becomes evident that according to the standard thus created, nearly all the present charges for prescriptive tolls are un-

See copy
Murage
Charter to
Dublin, in
Appendix,
No. XXX.

reasonable and excessive, and consequently *illegal*. As a specimen of the scale or rate of charging for tolls, even more than one hundred and twenty years after the year 1189, there has been obtained, for the reader's satisfaction in this particular instance (and indeed also for establishing by its language and tenor some other points hereafter discussed), a copy of one of those charters, taken without any selection from a large mass of others in the Tower; and the charter so obtained leaves no doubt that on the articles generally the charges for tolls have been increased most unreasonably: in the articles of cattle, sheep, goats, pigs, &c. they have increased five-fold, while (not to go into further detail) on the articles of bacon, &c. there is now charged a sum *twenty* times greater than was allowed* in the reign of Edward the Second!

Unpublish-
ed Statute,
10 E. IV.

In the year 1470, an act of parliament was passed for apportioning and fixing under a penalty the selling prices of corn, victuals, and merchandises in Ireland, and if we form an estimate of how tolls should be rated by the prices of com-

* The concluding clause in this grant is important, as it directs *one farthing* to be taken as toll for everything coming for sale to the place, and *exceeding the value of five shillings*: this is quite consonant with the other charters, and shows that toll was then rated to be *less than the 240th part of the value of the article*. But the Parliamentary Committee found and reported, that in some places £5 *per cent*, was charged, in others *one shilling in the pound*, and elsewhere they took as toll *one-sixteenth in value*!

modities so made in the year 1470, that is, nearly three hundred years after 1189, it becomes evident, even going by that standard, that those prescriptive demands are excessive; in the Act alluded to, it is agreed that *an ox* of the best description should be sold for 10*s.*; *a cow*, 6*s.* 8*d.*; *a sheep*, 8*d.*; *a hog*, 3*s.* 4*d.*; *a goose*, 3*d.*; *a couple of capons*, 5*d.*; *a yard of coarse cloth*, 2*s.*; *a yard of frize*, 6*d.*; *a gallon of Rochell wine*, 6*d.*; *Gascony*, 8*d.*; and *a gallon of Spanish wine* for 10*d.*, &c. Now, many of the corporate towns would have us believe by their printed lists and schedules, that nearly three hundred years before that, when things were so immeasurably cheaper, and also continually afterwards, they received as tolls or customs one-twelfth, or in some instances (as sheep and geese) *one-eighth*, nay, *one-sixth*, of the real value of the articles sold! Even on the face of the return and schedules which were prepared by the toll proprietors or receivers themselves, and have been printed by order of the committee above alluded to, there are many absurdities which require little historical reading to detect. Thus, if we resigned our common sense, we should believe according to these schedules, that in and before the year 1189, the usual selling price of a pig was *twenty shillings and upwards*;—that in and before the year 1189 a toll of 3*d.* was paid for each horse-load of onions!—that in and before the year 1189, to such perfection had horse

An Account of all Schedules of Customs, Tolls, &c. ordered to be printed 17 June and 16 July, 1823.

Same, p. 79.

Same, p. 78. and cattle-dealing arrived, that besides the usual tolls, there was also a charge of one shilling "for VOUCHING and ENTERING each beast if required!"—

Same, p. 67. that in and before the year 1189, *soap was made in Ireland*, and that 3*d.* toll was charged for every car-load of "*ferne and other ashes* used in soap-making!"—that in and before the year 1189

Same, p. 48. *sour* milk paid a toll of one penny per churn in Ireland!—that in and before the year 1189 "showmen" existed, as did also the coin called in modern times a "guinea," and that every "showman," before he could be licensed by the "mayor" of Kilkenny, paid a toll or custom of ONE GUINEA!—that in and before the year 1189 there was a member of the legal profession (and this eclipses all "legal fictions,") styled a "Recorder," in the fortunate municipalities of Irish-town and Kilkenny, who received threepence as toll on every load of fish, and one halfpenny toll on every salmon introduced into those cities!—and to reach the acme of this string of absurdities, though no charter before the reign of Elizabeth mentioned potatoes, and though history ascribes to her sacred majesty's reign all the merit of first bringing the Irish acquainted with that esculent and its powers of fecundity, yet by these schedules we are led to believe that in and before the year 1189 (and how long before there is no ascertaining) potatoes were known and used in Ireland, and were actually then chargeable with toll to the

Same, pp.
49, 50, 57,
66, 67, 78,
&c.

prescriptive corporations!! This subject, however, it is clear, has not hitherto received the attention which its interest and its importance deserve, and whenever it may become the subject of serious inquiry, there can be little difficulty in showing the illegality (not to mention the absurdity) of these demands by "prescription."

The other title pleaded heretofore by corporations, and that more rarely, is title by charter or express grant, and to this we shall now advert. When title by grant is pretended for tolls and customs, the instrument is either one which passes (or is supposed to pass) these rights by general words, or one that expressly names the articles, with the specific tolls which they should pay. Of the first class it may be said, that those claiming under them generally seek tolls proportioned to the selling prices of the present day, whereas in all such instances the general words of those instruments, even under liberal construction, can carry no more than the rates or prices paid for toll at the period when the grant was made. Now, from what has been already stated, it is clear that such average rates or prices of any king's reign can be easily ascertained by means similar to what has been already mentioned; and this point, with a due consideration of any recitals as to the objects and purposes for which the grant was made, whether such grants have been fulfilled, executed, or neglected, may be an useful

subject of inquiry, as will soon be shown. The other class of grants conveying tolls, and specifically mentioning the sums to be taken, are not so frequently produced in evidence as titles, and that, perhaps, for the following reasons: in the first place, the sums so granted or specified as payable for tolls, are in general of extremely low amount; in the next place, such documents most usually vest a controlling power in some neighbouring person or officer before whom such monies should be accounted for, or their right appropriation duly proved; and lastly, because few if any such specific grants of tolls exist without a full and positive direction that those monies were to be applied to certain public works and purposes which have long ceased to exist or be required.

Such are the observations or practical suggestions which, after extensive inquiry and varied reading, are now offered respecting claims to corporate dues in Ireland; and some documents curious in themselves and corroborative of these observations, having been met with, they shall here be noticed (with some introductory remarks) as throwing additional light on the early history of tolls and customs.

Invariably almost all early grants authorizing the taking of dues within towns were specifically made for public purposes or public works, and were called by such names, viz. grants of

murage, grants of pontage, &c. as designated the particular public work to which solely they were applicable ; they were made only for short terms of years, and generally where public advantage required.

Thus, in the reign of Henry III. “ the Earl of Gloucester sought that the lord the king should grant to his burgesses of Kilkenny MURAGE FOR seven years, to ENCLOSE the aforesaid town, &c. ; “ Ad claudendum.” and the king grants it.”

Again, in the year 1307, amongst the pleas at Dublin before John Wogan in that year, was the petition or plea of the burgesses of Atherdee, that the sheriff had distrained them to repair the bridge of said town, whereas neither they nor any of their progenitors of same town ever were accustomed to repair that bridge ; and the justiciary ordered that on his next going to that neighbourhood it should be inquired who were bound to repair the bridge ; but, in the mean time that they the burgesses should cause the bridge to be repaired, as it is so weakened, &c. And it is granted, that if they immediately agree to make said bridge, and to BUILD IT ANEW of STONE AND LIME, then they the burgesses shall have PONTAGE THERE FOR THREE YEARS, &c.

Pleas at
Dublin be-
fore John
Wogan,
Justiciary,
anno 1307.

“ Ponta-
gium per
triennium.”

About the same time the Abbot of the church of the Holy Trinity petitioned to have PONTAGE at Athmow for a bridge there to be built and maintained, &c. ; and on the OATHS OF FAITH-WORTHY

WITNESSES, IT BEING PROVED that such would be to
 " Ad mag- the GREAT ADVANTAGE OF THE COUNTRY there ad-
 num com- joining, it was agreed and granted that the same
 modum pa- abbot should HAVE PONTAGE OF ALL THINGS IN-
 triæ. Same
 Pleas, anno
 1305. TENDED FOR SALE PASSING THERE DURING THREE
 YEARS. Therefore letters patent to him thereof, in
 the accustomed form, were made, &c.

In almost all early demises by the crown of
 these dues there *were two accompanying qualifi-
 cations or covenants strictly mentioned ; namely,
 that the profits thereof should be faithfully ap-
 plied to the specified purpose under superintend-
 ence of certain comptrollers or examiners of the
 accounts ; and that such purpose being effected,
 or the terms of the grant completed, such tolls and
 customs should wholly cease.*

Charter of
 Callan, 10
 January, 19
 Richard II.

Thus, in the charter to the town of Callan, in
 the county of Kilkenny, King Richard II. granted
 certain customs towards the defence, walling, and
 paving that town for twenty-four years, provided
 that " the monies arising thereout on the murage
 and pavage of the said town, AND NOT OTHERWISE,
 DURING THAT TIME FAITHFULLY BE EXPENDED ; the
 said term, however, being completed, the said
 customs SHALL WHOLLY CEASE AND BE TAKEN AWAY ;
 we willing that ACCOUNTS THEREOF, before the VE-
 NERABLE FATHER THE BISHOP OF OSSORY, and before
 the seneschal or sheriff of Kilkenny for the time
 being, and not at the Exchequer of Ireland, from
 year to year during said time duly and faithfully

ye render." It is worth remarking, that annexed to this charter on the rolls is the bishop's certificate THAT HE EXAMINED THE FINAL ACCOUNT of the superior, provost, and community of Callan, as to the issues of the said murage and pavage, and all accounts computed, and all things allowed which should be allowed, he FOUND NO ARREARS of same.

In a similar manner, when a charter of like customs was made by King Henry VII. in the year 1492, for a certain number of years, to the provost, bailiffs, and community of the town of Carlingford, in the north of Ireland, it was under the same conditions, viz. "so always that the monies thereout arising for the murage and fortification of the town aforesaid, and NOT OTHERWISE, faithfully be expended, but the TERM COMPLETED, the customs aforesaid shall WHOLLY CEASE and BE TAKEN AWAY.

"Et non aliter."
Charter of Carlingford,
17 H. VII.

On the same principle, in the year 1462, divers holding opinion (says a statute) that the grants of customs made by Henry the Sixth to the towns of Trim, Navan, Naas, Athboy, Kells, and Foure, for the murage, pavage, and pontage of same were become void and should be withdrawn, as those TOWNS HAD BEEN GREATLY STRENGTHENED, so this Act was now passed expressly for the purpose of enabling those towns TO CONTINUE the collection of such dues.

Unpublished Statute,
Chancery,
Dublin, 2
Edw. IV.

But in the next succeeding century the charters of corporate towns afford even more decided proofs of the same principle, and exhibit a sound and wholesome exercise of the crown's authority, in granting such dues in trust for the execution of specified public purposes of local necessity and utility, but accompanying this trust by a controlling and superintending power expressly created to remedy any abuse of the trustees. Thus, out of numerous others that might be cited, a charter was granted in the year 1516 to the provost, burgesses, and community of the town of Kildare, empowering them, amongst other liberties, to build walls and fosses round their town; and to enable them to do so the king also grants them certain customs to be applied to that purpose, for the expenditure and due application of which they were to account before Gerald Earl of Kildare; "and if (continues the charter) the superior and provost, or his successors, before Gerald Earl of Kildare, and his assigns, be FOUND IN ARREAR in their accompt, that then the aforesaid Earl Gerald, his heirs and assigns, may have full power, by tenor of these presents, to distrain them by all their goods and chattels, and the distraint so taken to retain until they pay the said arrears to him the said earl, his heirs and assigns, to be distributed upon the BUILDING AND REPAIRS OF THE WALLS, FOSSES, AND PAVEMENTS aforesaid."

Charter of
Kildare,
7th Oct. 7
Hen. VIII.

From the earliest period toll THOROUGH has been disallowed, and considered an illegal demand in Ireland.

Thus in the case of Henry Tykenham against Richard Ocrethan and others, the plaintiff declared that whereas the late king, by his letters patent in aid of enclosing the town of Carrick with a stone wall, granted to the good men of said town certain customs of things coming for sale to said town, to be taken according to the custom used in the land of Ireland; and the aforesaid Richard and others, being the men of the said town of Carrick, by virtue of said grant, the plaintiff, his men and servants, in boats with merchandises passing through the midst of the water which leads from Clonmel to Waterford, and from Waterford to Clonmel, as if the same merchandises through the middle of the said town of Carrick had passed and THERE WERE TO BE SOLD WHEN THEY WERE NOT, grievously destroyed and manifoldly aggrieved and disquieted them to pay murage, to the great damage of said Henry, and contrary to the tenor of the said letters patent, and AGAINST THE PROHIBITION OF THE LORD THE KING, &c.

Pleas of
Ireland, 5
Edw. III.

In Easter term 1508, William More, late pro-vost of the town of Athboy, appeared in court before, &c. and paid a fine to the lord the king FOR A CONTEMPT, because he took "THROW TOLL" of divers persons unknown going through the

"Pro contemptu."
Court Roll,
23 H. VII.

town of Athboy, when he was in the office of provost, without any authority.

Thomas Kenedy and Martin Kenny, &c. paid also fines for a similar offence.

That not only did the crown enforce those corporate bodies to account for the expenditure of the monies so collected, but in case of surplus or redundancy above the expenses, the corporations paid same into the king's exchequer for use of the crown, and all fines for not accounting, or for misapplication, or for balances detained where fines or pardons were allowed for such offences, the profits in all those cases were received by the crown.

Thus, in Trinity term 1303, William Pollard, mayor of the city of Cork, paid into the king's exchequer the sum of 4*l.* OF THE MONEY ARISING FROM the murage of the aforesaid city, for WHICH SUM HE HAD NO TALLY; NOT HAVING EXPENDED THE SAME.

“ De pecunia proveniente de Muragio.”

In the year 1447, “ Peter Grant, late provost of the town of Athboy, John Watehell and Thomas Orell, burgesses of the said town, came before the barons of the exchequer on the 17th day of November in this term, and PAID A FINE TO THE KING FOR A CONTEMPT, because that they received 20*l.* of the customs of murage and pavage of said town from the feast of Michaelmas in the 21st year of the now King Henry VI. &c., and the said 20*l.* DID NOT EXPEND UPON THE WALLING AND PAYING OF SAID TOWN AS THEY OUGHT.”

In like manner “ Robert Talbot, mayor of the town of Drogheda, Ralph Coll and James Fitz Rery, sheriffs of said town, William Wryght and Patrick Hill, burgesses of the said town, came before the barons of the exchequer the 8th of December in this term, and PAID A FINE TO THE KING FOR A CONTEMPT, because that they did not observe the day assigned them for RENDERING AN ACCOUNT TO THE LORD THE KING OF THE ISSUES AND PROFITS OF THE MURAGE AND PAVAGE of the town aforesaid, for the whole time for which they should account to the lord the king for same.”

Exchequer
Rolls, 25,
26. &c.
Henry VI.

Soon after, a day was assigned to “ Philip Daniel, chaplain, to appear as well to ANSWER TO THE SAID LORD THE KING FOR THE CONTEMPT that he received 20*l.* out of the customs of murage and pavage of the town of Naas, from Michaelmas 1440, as to satisfy the said king for the aforesaid 20*l.* on that account to the aforesaid lord the king FORFEITED.”

A day was also assigned to “ John Bowde and William Brooke, bailiffs of Dundalk, to be before the barons of the exchequer in the octaves of the Holy Trinity, to answer the lord the king why they should not account to the king for the issues and profits of the murage and pavage of the aforesaid town for a certain time.”

In 1453, Mathew English, late provost of Trim, was impleaded to answer why for eight marks of silver of the issues and profits of the

murage and pavage of said town which came into his hands, and which for HIS OWN USE HE EXPENDED and NOT FOR THE WALLING NOR PAVING THE TOWN AFORESAID, he should not now satisfy the king ; several OTHER PROVOSTS, WHO HAD BEEN HIS PREDECESSORS IN OFFICE, were SUED ALSO AT THE SAME TIME for similar arrears.

36 Hen. VI. In Trinity Term, 36 Hen. VI. the king's attorney-general informed the court for the lord the
 &c. 10 Edw. 1 V. &c. 15
 Hen. VIII. king, that "whereas the lord the king who now
 &c. &c. &c. is, by his letters patent made at Westminster on the eighteenth of November in the twenty-first year of his reign, granted to the mayor, sheriffs, and commons of the town of Drogheda, twenty marks to be received yearly out of the fee-farm of said town for repair and support of the walls of same ; to hold to said mayor and commons and their successors, &c. : this notwithstanding, the aforesaid king's attorney says that the twenty marks of the said fee-farm for the thirty-fourth year of the now king's reign, at Drogheda, in the said year, to the hands of Nicholas Herdman and William Davy, then sheriffs of said town, came, and THEY DIVERTED THEM TO THEIR OWN USE and NOT TO WALLING the said town, in contempt of the said lord the king," &c.

These sheriffs afterwards were obliged to be exonerated of the penalty and pardoned of the offence by an Act of Parliament SPECIALLY PASSED for the purpose, as appears by a note on the case.

In the sixth year of Edward the Fourth, "John Whitbull, provost of Navan, and Philip Cusake, burgess of said town, appeared before the barons and PAID A FINE TO THE KING FOR A CONTEMPT, BECAUSE THAT THEY DID NOT OBSERVE the day assigned them to answer to the king for the issues and profits of the murage and pavage of said town during the whole time they were bound to account."

Several others were sued at the same time.

In the year 1524, "Nicholas Bermingham, superior of the town of Kells, had a day assigned to appear before the court, as well to render an account to the king of the murage and pavage of the town aforesaid, as of the custom of the same town during the whole time for which he owed an account thereof to the king, and further to do and receive," &c.

It is unnecessary to multiply or further pursue the collection of such proofs, nor indeed should so many of them have been cited, but that in Ireland there are no Term Reports or printed authorities in which such cases or decisions can be found, and thus the legal profession, and through them the public, have long felt the want of useful and authentic data upon this important subject. In the belief, therefore, that sufficient documentary evidence has been offered to show the purposes for which this description of franchise or privilege was granted, and the principles

of law which governed its possession, we shall now offer in a few concluding lines some practical observations * on those exactions generally known as TOLLS and CUSTOMS.

Judging strictly according to the precedents and principles adduced in this chapter, it might appear, if an inquiry were commenced, that few if any corporate cities or towns in Ireland could prove a *legal right* to any toll or custom now *worth levying*;—PRESCRIPTIVE toll slevied in proportion to the value of articles in the year 1189 would not in this century repay the expenses of collection even in towns of the most limited dimensions, and accessible through the fewest possible entrances; while tolls derived under express grants are subject to all the limitations, charges, and considerations already alluded to, and, when duly rated and collected under the wholesome restrictions of modern statutes, would prove almost equally unprofitable. But in point of fact, since the total abolition of town walls and other municipal fortifications, after the Revolution of 1688, in Ireland, one of the principal objects and considerations for granting or levying such dues has been for ever removed; and as to the other public

* Through the civility of the officer who has charge of the royal grants and muniments in the Chancery of Ireland, the author had an official inspection of a list, by which it appeared that between the year 1560 and 1768 there were no less than 1626 royal grants made of tolls, customs, and market duties receivable in different parts of Ireland!

purposes, namely, paving, cleansing, lighting, and watching, it will be recollected that an invaluable enactment, passed so recently as 1828, and which does infinite credit to those who provided it, has empowered any twenty-one householders occupying houses or tenements of 20*l.* per annum each, in any city, town corporate or other town, to assemble and assess themselves for such objects *without any reference to or connexion with any corporate body* happening to exist in such places at the time. In this manner the legislature has swept away nearly the only plea or pretensions for a continuance of such imposts; and let it not here be forgotten (as the fact when known may prove perhaps a persuasive) that all persons receiving this alleged description of property, after the pretensions or considerations for demanding same have been removed by law, may in their collective or individual capacities be answerable to the public and suable for all arrears of tolls not appropriated to the uses for which they had been granted: the precedents are numerous to this effect, and before that tyrant James the First violated the rights of the Irish corporations, and before the unprincipled profligate, his grandson, Charles the Second, made them eventually too strong (as they for a century and more proved themselves) for any restraint of law or government, it was a frequent course for the crown officers to sue, even for the smallest arrears,

Act of
United Par-
liament, 9
George IV
c. 82.

the mayors and other persons, or their representatives, who had casually been in receipt of tolls at some former and perhaps most distant periods.

These observations are not more particularly intended for those who were or are now in receipt of such dues, than for the persons on whom, under the intended corporate arrangements, such claim or alleged right may hereafter devolve: to the latter the right (if under the above circumstances right it be) will come, but subject to all the circumstances just mentioned; and as the intended transfer or extension of municipal privileges must only be done on the pure principles of reform and restoration, so its new possessors would have by far less pretence for persevering in any of the abuses or impositions of those who preceded them.

Under such circumstances, as this species of demand grew up while men lived immured within fortified cities and towns, when commercial intercourse was scarcely known, and the principles of trade were but imperfectly if at all understood:—as it is a restriction upon local traffic inconsistent with the spirit and feelings of the present day, and opposed to all the sounder notions of modern times:—as it is a bar to the interchange and free sale of produce, and an unwise monopoly to vest in any hands;—so it is conceived, and here in

proposition it is humbly submitted, that in all the cities and towns of Ireland, tolls, customs, and every other species of demand made for the ingress or sale of agricultural produce, wares, merchandise, and all other articles, should henceforward be abolished, remitted, and for ever abandoned.

CHAPTER V.

Corporation estates and liberties from the earliest period under positive control of the King and Parliament—a chain of remarkable proofs through a succession of ages.—Dr. Lucas on the revolution in corporate rights effected by the Act of Explanation.—Statute of 1793 and perfidy of the executive.—Corporate Reform Act passed in 1828.—King James the First's exclusive charters and his English Judges.—Proofs of reform silently effected by corporations.—Royal absurdities.—Lords of Belfast Castle to elect corporators, and who are the heirs?—Corporations extinguishable if not reformed.—A curative Act of reform necessary, pardoning the large sums due by individuals as penalties, &c.—Possible proceedings by scire facias and quo warranto.—Corporations defunct for municipal purposes.—Corporate Acts in certain places null and void.—General conclusion—one universal but constitutional Reform bill for Ireland.

IN the foregoing pages the reader must have already seen that several important changes were effected in the corporations of Ireland even long previous to the present century; and that, like all other the known institutions of mankind, they yielded to the force of circumstances, and to the irresistible changes which so surely follow the

efflux of time. But as there are many still who believe that corporate establishments have always, as now, consisted of a few self-elected, exclusive, and corrupt vampires, engrossing to themselves franchises and powers in our towns, and exercising them for the worst purposes—that they have always been so, and that the changes in existing establishments hereafter proposed as necessary and unavoidable, are violations of chartered rights, and of the most ancient institutions; so now with a view to rectify any such erroneous though conscientious opinions, and that so important a subject should be viewed in its proper light, several facts and evidences are here collected, and whoever reads them will admit that instead of the pure, the unchanging and unchanged, the untouched and unapproachable bodies which corporations assumed to be after the Revolution of 1688 in Ireland—too powerful for the crown and too sacred for the law—they from the earliest period, as the mere creatures of his prerogative, were under the constant control of the king, while as institutions with great capabilities for producing in our constitutional system much evil or equal good, they were for centuries the continual subject of legislative enactment.

In a pleading so early as the year 1278, we find that the liberties of the city of Dublin had been seized into the hands of the lord the king, on account of the excesses of the commonalty, and

“Capt’ fu
in man’ De
mini Regi
propter ex-
cess’ Com-
munitatis
Dublin.”

that afterwards it was restored to them by the chief justiciary of the council of the king: here it would appear a seizure and a subsequent restitution had been made by virtue of the king's prerogative only, for there is nothing said in the record that either was made by judgment of law.

In the tenth year of the reign of King Henry the Seventh, two statutes were passed which provided beneficial correctives for abuses then lately practised within the corporate towns in Ireland; and by the latter of these acts the legislature seems to sanction that high prerogative authority which the crown exercised over such institutions, by imposing a large fine payable to the king for the election of any mayors or head officers not "well known to be the king's true men," and by enacting that all laws made or to be made in such towns "contrary to the king's prerogative and jurisdiction royall," were to be thereby repealed.

But soon after the accession of Queen Elizabeth, a sudden and arbitrary inroad was made by a servile parliament on all the corporations of Ireland: this was effected through the statute 2nd Elizabeth, which enacted that every "*Mayor* and other lay or temporal officer and minister" should take the oath of supremacy and so swear that her majesty Queen Elizabeth was supreme governor of the realm, as well in all spiritual or ecclesiastical things or causes as temporal—that no other had ecclesiastical or spiritual jurisdiction within

Public Sta-
tutes,
10 Hen VII.
ch. 6,
10 Hen VII.
ch. 7.

Public Sta-
tutes, 2 Eliz.
ch. 1.

Ireland, and that he renounced all foreign jurisdictions, authorities, &c. This extraordinary Act would have completely subverted in Ireland the rights enjoyed by the inhabitants of corporate towns for more than three hundred and eighty years; in this way it was publicly felt, and the sound sense and good policy of Elizabeth left it a dead letter; and so perhaps would it ever have remained, but for the perfidious conduct and tyrannous bigotry of her successor.

The revolutionary conduct of King James the First, in driving the corporations of Ireland into a surrender or compromise of their long-enjoyed franchises and rights, that so he might the more effectually exclude and enslave the inhabitants by his deeply-designed arrangements, have already frequently been adverted to. The illegal acts of his military instruments, who were despatched through the country corporations to fine, depose, and imprison all the mayors and burgesses refusing to take the *long forgotten oath of supremacy*, has also been made known; and in each case we have illustrations of that violent, most arbitrary, and illegal conduct of the crown, which subverted nearly all corporate rights in the seventeenth century, and laid the foundation for that system of corporate exclusion and corporate supremacy which subsequently followed.

See Appen-
dix, No.
XII.

The revolution effected in the cities and towns of Ireland under the Commonwealth government

of England, was general and universal: by this revolution, the effects of which are mentioned in many state papers, and even in statutes, the ancient inhabitants, whose ancestors had been there from time immemorial, and had matured the growth of those institutions, were excluded from their rights, while a body of men from other kingdoms, before that time wholly unconnected with Ireland, usurped such corporate authority, and being sanctioned in their usurpation by Ormond, Orrery, and others, the most corrupt ministers of a profligate prince, they aided in a greater revolution, namely, the alteration in the royal succession to the crown: they enacted the penal laws, and, as a successful body of armed buccaneers in the midst of a submitting and unresisting nation, they did such acts as towards the Irish people never can be atoned for; they reduced the country to barbarism, and were mainly instrumental in causing all the misery of modern Ireland.

But during the reign of the second Charles, the legislature worked a remarkable revolution in the highest and most valuable privileges of all

Public Statutes, 14, 15
Cha. II., 17,
18 Cha. II.
The New
Rules.

Irish corporations. A statute was passed in that king's reign, empowering the lord lieutenant and council of Ireland to make *Rules and orders* for regulating the cities and towns, for electing their magistrates and officers, &c. and the lieutenant and council having acted accordingly under the

terms of this Act, by making "New Rules" for the corporations of Ireland, there followed in principle an utter abolition of the most ancient and most useful of their corporate immunities. To explain this, let us here cite the words of Dr. Lucas, who, as one of the corporation of Dublin, and a member for that city in parliament, had sufficient reason to know and feel the destructive consequences of the "New Rules."

"I believe," (says Dr. Lucas, speaking of Dublin, and his words apply equally to all,) "there is no principle of our policy better established than this ; that the parlement cannot delegate any part of their legislative power ; yet the parlement in the 17th and 18th years of the reign of Charles the Second did delegate their legislative power in a most remarkable and important instance to the king's privy council of this kingdom ; for by a clause in an Act of the above parlement, chapter 2, it is enacted, that it shall and may be lawful to and for the lord lieutenant, or the chief governor or governors and council of Ireland, for the time being, from time to time, and at all times to come, during the space of seven years, to be accounted from the 29th day of September 1665, to make and establish such rules, orders, and directions for the better regulating all cities, walled towns, and corporations, both new and old, and such as shall be created within this kingdom, and the electing magistrates and officers there, and to

inflict such penalties for the breach thereof, as they in their wisdoms shall think fit, so as the penalties for the breach of the rules, orders, and directions to be made, touching such corporations, do not extend farther than to the removal and disfranchisement of such persons as shall be found guilty of a breach thereof. And such rules, orders, and directions so to be made as aforesaid, shall be as good and effectual in law, to all intents and purposes, as if the same had been specially and particularly established by authority of this present parlement, and shall remain, continue, and abide in force for such and so long time as in the said rules, orders, and directions shall be limited and appointed, anything in the said act or otherwise to the contrary thereof in any wise notwithstanding.

“Upon the strength of this clause, the privy council proceeded, without the least regard to the consent of the subject, which alone can give sanction or authority to law, to *dissolve charters*, to *rescind ancient franchises*, to *abolish established customs and usages*, nay, to *repeal Acts of parlement*! and to *frame and establish new laws*!

“Before this anti-constitutional law passed, *the elections of all the magistrates, officers, and servants of the city, the disposal of the estates, revenues, and franchises, and the sole government of the corporation, were all vested in the lord mayor, sherifs, commons, and citizens, or in per-*

sons deriving under them, by virtue of the powers, privileges, and authorities granted by charters, agreeable to the common law, or under some statute. The common council consisted of the lord mayor, attended by his council of aldermen, the sherifs, peers, and the commons, a certain select number of citizens or freemen of every corporation chosen and returned by the body at large to represent them in the assembly. In the commons was vested the sole power of framing, proposing, and introducing all the public business, by way of petition of certain of the commons. The whole constituted a free and independent council, who sate together in one room: till the aldermen thought fit to break the harmony by setting themselves up above their brethren and constituents, erecting themselves into a separate and superior tribunal, and assuming powers injurious to the whole in troubled and confused times as before hinted, &c.

“The first rules made under this illicitly granted and illegally executed legislative power, were made under the Lord Berkeley, who was, I presume, a son of the infamous judge of that name in Charles the First’s violent reign: by them the whole body of the city, the commons, and citizens, were reduced to the most abject subjection, downright slavery, under the aldermen, who were themselves also rendered dependent on the government. By these it was among others ordered ‘that the

commons should not presume to receive, read, or deliberate upon any petition, till it was sent to them with an order from the lord mayor and aldermen.' These all stand received, approved, and recorded by the aldermen in their Monday-book; and least they should not have sufficient weight without it, the aldermen declare their approbation of them, and how effectually all citizens are bound to observe them. But this, it seems, did not quiet the minds of the people. This onset on their liberties was too open, too sudden, and too violent to pass unobserved by the citizens. And therefore it is to be presumed they gave them proper opposition; for though these arbitrary rules stand recorded in the Monday-book of the 3rd and 13th of January 1671, with this declaration from the board, 'that it was not proper or safe for any citizen to oppose these ordinances, or to apply for any remission, suspension, or alteration of them, or of any part thereof:' yet we find them repealed by an order of the same council of the 2nd of March following, &c.

"But, Essex, the succeeding lord lieutenant, took a more effectual way of silencing all murmurs, or at least of making them too late and of none effect; for though he left out the clause restraining the commons in proceeding upon petitions, and altered the general tenor of the whole rules somewhat for the better, yet *he made rules so averse to justice, law, and reason, to our charters,*

statutes, and usages, even to the principles of our constitution, that it is astonishing how they came to be received or observed, and never since to be repealed or even complained of! And to prevent all opposition, he took care to have them published but just four days before the expiration of the power vested in the government by the abovementioned Act.

“Let us now take a view of these *legal fetters called the New Rules*, and of the melancholy, of the fatal effects by them produced.

“First, then, the corporation is, *without the consent of its members*, stripped of its ancient established right and privilege of electing and appointing without control or restraint the fit persons to serve the *offices of lord mayor, sheriffs, recorder, and town clerk*: for no person may serve in any of those offices, however elected and approved by the city, till he is approved by the government.

“Secondly; the election of lord mayor, sheriffs, and treasurer, is vested in the lord mayor and aldermen only, subject as above to the negative of the ministry.

“Thirdly; no person elected lord mayor, recorder, sheriff, treasurer, alderman, town clerk, or common-council-man, or master or warden of any corporation within this city, shall be capable of holding or exercising any of the said offices, till, with the oaths of supremacy and allegiance,

they take the following oath calculated *to secure passive obedience and non-resistance* :

‘I, A. B. do declare and believe that it is not lawful, on any pretence whatsoever, to take arms against the king. And that I do abhor that traitorous position of taking arms by his authority against his person, or against those that are commissioned by him. So help me God.’

“The election of all persons who do not take these oaths is made null and void, *unless the government think fit to dispense with taking them ; to do which they are by these rules empowered.*

“Fourthly ; the common council is made to consist of the lord mayor and twenty-four aldermen, who are to sit apart ; as they set themselves up in the great rebellion. And of the sherifs and commons with the sherifs’ peers, who are not judged fit to sit agreeable to the original institution with the lord mayor and aldermen.

“Fifthly ; *the several corporations are not allowed, agreeable to the primitive institution, to choose and appoint the identical men that are to serve or represent them in the common council ; but they are to make a return to the lord mayor of double the number of men that usually served them, out of which he, in the presence of one of the sherifs and eight of the aldermen, made in all respects dependent on the ministry, is empowered to cull the number that is to serve.* And least the

commons should not continue as passive to the aldermen as the aldermen were made to the ministry, they are to be changed once in every three years ; so that none may continue in the council above that time, or ever get in again, who proves refractory to the dictates of the board.

“ Sixthly ; if any corporation or its master and wardens fail to make such a return, or if any of the persons returned neglect or refuse to serve, then the lord mayor and aldermen shall choose out of the corporation at large the usual number of persons to represent it in the common council.

“ Seventhly ; *all foreigners, strangers, and aliens, as well others as protestants who are merchants, tradesmen, artificers, or mariners, who at present reside in, or at any time hereafter shall come into the city with intent to inhabit and dwell therein, shall upon demand and payment or tender of twenty shillings to the lord mayor and common council be admitted freemen of the city, and of all or any guild, society, or corporation within the same ; and every person so admitted shall be deemed a denizen in the kingdom at large : any statute, law, charter, usage, or custom of this kingdom or city, to the contrary notwithstanding.* In case of refusing to admit such persons free by the lord mayor and common council, or by any corporation in the city, they may be sworn before

any justice of peace of the county, which institutes them to all the benefits of freemen to all intents and purposes.

“ Eighthly; all persons refusing to comply with these rules in any point, or obstructing any foreigners, &c. admitted as above in their trades or professions, are made liable to be for ever disfranchised by the lord lieutenant or other chief governors and council.

“ And ninthly and lastly; these *rules, orders, and directions are ordered to be established and to continue in full force for ever within the corporation* of this city.

“ Thus I have presented you with a full and exact abstract of the New Rules, the *most violent act of power under the assumed sanction of law that was ever known or heard of in any free city or nation.* And thus have we been bound by laws made secretly by the creatures of the crown without the consent or knowledge of the people or their representatives, which alone can give due force and authority to laws. Under this colour, this shadow of legal authority, the privy council took upon them not to make new rules consistent with the charters or the laws in being, which might have been tollerable, but in direct violation of the most sacred principle of the common law, which requires the consent of the people, and in open breach of our charters and the statutes by which they are confirmed.”

But even after this extraordinary revolution in the corporate rights of Ireland, many other instances might be shown (though perhaps not in essentials) to the same extent, wherein the legislature manifested a high and paramount authority over corporate institutions. In the year 1793, five-sixths of the people of Ireland were barred from admission into corporate bodies by test-oaths, originated during the century preceding ; and, to remove these bars, a statute was passed in that year which took away such oaths, and threw open the corporate franchises of all cities and towns to the whole population. This statute, however, it must be said, though it affords another proof of the exercise of legislative authority and control, became afterwards a lamentable record of a corrupt executive or of a partisan bench ; from either cause, or from both, it was soon rendered useless and inoperative to the country.

Public Sta
tutes, 33
Geo. III. c
21.

A salutary statute was recently passed, which, without attracting much notice or exciting opposition, threw some important powers, heretofore exclusively possessed by corporations, into the hands of the inhabitant householders. By this statute, any twenty-one inhabitants of houses worth 20*l.* per annum, in almost all towns, whether corporate or not, are embodied, or capable of embodying themselves, for the useful purposes of lighting, watching, cleansing, and

Public Sta
tutes, 9 Geo
IV. c. 82.

paving; and decidedly the statute which creates a new corporation, as it were, for executing the duties of lighting, watching, cleansing, and paving, which have been duties from the earliest period wholly municipal, and that too in places where corporations already exist, must be taken, not only as an epoch in their history, but as an expressed declaration that the perverted corporate system of the present day became useless for its original and primary purposes.

Charters of
Dungan-
non, Derry,
Armagh
&c. &c.
Appendix,
No. XX.
Public Sta-
tutes, 10
Geo. IV.

Let us turn to the numerous incorporation charters of King James the First: how cautiously he provides that the mayor, sovereign, provost, or other chief officer of the new incorporation, shall, *before he be admitted to execute said office, take as well the oath commonly called the oath of supremacy*, as his corporal oath, &c.; yet all these cautious provisions for the maintenance of intolerance, although with equal caution observed and upheld for two hundred years, were cancelled and for ever annulled by the Act of 1829, emancipating the Roman Catholics from the bigoted fetters of past ages.

If we read also as a referred case the question put by the same monarch to his judges in England, namely, whether certain words would effectually operate as he desired in the new charters, to *exclude all from voice in the election of members for parliament, save and except only the provost and burgesses* named by the king himself; if we

read the judges' opinion, (as reported by one of themselves,) that such phrases were sufficient to exclude all but those named ; and then read that clause as it is to be found in all these charters, that they, the "aforesaid *provost and (twelve) free burgesses*, may have fully power and authority to elect, send, and return, two discreet and useful men to serve and attend in any parliament, &c." ; we cannot but admit that the late bill of <sup>Public Sta-
tute, Will.
IV.</sup> reform worked an extensive alteration, when it rendered nugatory in this respect these instruments of Stuart tyranny, which, after being the means for two centuries of inflicting slavery on Ireland, now remain a record of the subtlety and venality of those who designed them.

But such acts of the crown and of the legislature appear already sufficiently numerous, and the constant exercise of such power over corporate establishments for superintendence and application of their estates, and for alteration, diminution, or enlargement of their franchises, seems heretofore not to have been disputed. But if even such proofs had never existed, or could not now be traced, the details drawn from a practical acquaintance with corporate history would give sufficient precedents or reasons for an immediate corporate reform.

In the first place, there are numerous precedents furnished by these corporate bodies themselves, (acting without the interference of the

Barry v.
Sams, 17
James I.
Judgment
against de-
fendant that
he not being
a freeman
kept a shop,
and sold ten
yards of
black satin
by retail.

“Concedi-
mus quod
non licebit
alicui per-
sonæ inha-
bitant’ infra
burgum
prædictum
aliquibus
mercan-
disis seu ali-
qua alia fa-
cultate aut
occupatione
uti nisi prius
sit admissus
& allocatus
liber homo”
&c.

crown or of parliament,) for useful and ameliorating changes; thus, perhaps, there is now not one ancient corporate town without its charter, *that no foreign merchant with his wares should tarry within its walls for more than forty days;* and yet this power, which is an express grant most regularly confirmed by successive monarchs, the common sense or self-interest of the towns had long forbid to be enforced. In a similar manner, it is rare to find any of the corporations without a charter or charters *prohibiting any person not admitted to, or allowed his freedom, to deal in merchandise, or pursue any profession or occupation there within such places;* and this privilege, which was judicially tried and allowed in the reign of James the First, was found so inconsistent with the better-founded ideas of human rights, and also indeed of the principles of trade and business now prevailing, that it has been long discontinued, and seems now (like many others*

* “And we will and grant and by this our present charter do confirm for us our heirs and successors, to the said mayor and citizens of the city of [] aforesaid, and their successors, that hereafter no merchant, stranger, or foreigner from the liberties of the city aforesaid, may sell any merchandize within the liberties or suburbs of the said city of [] aforesaid to any other stranger or foreigner; or any merchant, stranger, or foreigner may buy any merchandizes of any other merchant, stranger, or foreigner within the liberties or suburbs of the said city: upon forfeiture of the same merchandize, or value thereof, to the mayor and commonalty and citizens of the city of [] aforesaid.”—*Charters of 1662, &c.*

given up or reformed by the corporations,) to be remembered only with ridicule or contempt.

But it was not alone in such instances, and numerous they certainly are, where self-interest and prudence made it necessary, that the corporations have been deviating from the strict letter of their charters with a view to useful reform; no, several of the instruments of their incorporation were sometimes so abused, unjust, or impracticable, that a deviation from their directions or presumed intentions became unavoidable, and perhaps entitled such silent reformers to the approval of posterity. Thus, in the incorporating charter of Carrickfergus, Queen Elizabeth grants and ordains that the burgesses should return two members to her parliaments in Ireland; and that, because Edward Waterhouse *was secretary to her lord-deputy* in Ireland, and had supplicated her so, *she willed and granted* that he should be free of said corporation, and that he should be returned as one of the burgesses for that town to every parliament of her, her heirs and successors, within Ireland, from time to time to be held!! But this was in the reign of Elizabeth, and perhaps after her conduct towards even her English subjects and her parliaments in England, we should not examine too scrupulously the fantastic exercise of her prerogative in Ireland: let us therefore proceed to a more modern period. In the

“ Eligatur
in eadem
un’ de bur-
gensibus
ville predict’
ad veniend’
pro eadem
villa ad
quodl’t par-
liament
n’r’m hered’
successor’
n’ror. infra
regnum p’d.
de tempore
in tempus
tenendum.”

charters of Coleraine, &c. are positive directions that the recorders chosen in such towns should be natives of England !!* and those unjust, impolitic, and insulting clauses have long since been reformed in silence by the corporations themselves, as the present recorder of Coleraine and many other equally learned recorders born in Ireland, are still living to attest. But, although these and many like absurdities have been already abolished or reformed by the corporators of those places, yet there is still an absolute necessity for such a legal and statutory reform, as, besides altering their charters, would indemnify the corporators for the past, and save them harmless as to all similar proceedings in future.

There is also a class of corporations so viciously constructed as to defeat the object and pur-

* "And further we will and by these presents for us, our heirs and successors, do grant to the aforesaid mayor, aldermen, and burgesses of the town of," &c. "and their successors, that they and their successors shall have in the aforesaid town of C—— for ever *one honest and discreet person learned in the laws,*" &c. "who shall be called *the recorder of the town aforesaid,*" &c. "and we have assigned, constituted, nominated, and made, and by these presents for us, our heirs and successors, do assign, constitute, nominate, and make our beloved [] Esq. to be and become the first and present recorder of the town aforesaid," &c. "during pleasure ; and that on death or removal of said [] they the said mayor, &c. within six months next after such death or removal, shall and may elect, nominate and appoint one honest and discreet man learned in the laws of England, *being an Englishman born,* from time to time, as often as it shall seem necessary to them, for recorder of the town aforesaid," &c.—*Charters 30th June, 11 James I. &c.*

poses for which corporate bodies should exist, and until such time as this class be altered and newly created by parliament, no remedy or amelioration of such can be expected. As an instance of this class, let us mention the name of Belfast, where James the First, by charter in 1613, created a corporation, consisting of the *lord of the castle* of Belfast for the time being, a sovereign, and twelve burgesses. These "*burgesses are nominated by the lord of the castle* ; there are *three* freemen, but who appear to have been made only *for form's sake* as they have *no privileges* whatever." This class is an admitted nuisance, and public opinion has long pointed them out for parliamentary reform.

Report of
the Com-
missioners
on the Irisl
Boroughs,
p. 18.

But there are other corporations where, were even their present exclusive and unpopular system worth continuing, an essential reform is necessary to save them from possible if not probable extinction ; this is owing to their original mal-formation, and of such class we may give Dungannon as one of the least exceptionable. By King James's creation charter, the provost of the place must be sworn before the *heirs* of Sir *Arthur Chichester*, or in their absence before the last provost who served the office ; and consequently, when a default of such heirs occurs, or when they are absent, if the last provost be dead or out of the district, the whole corporate functions must cease, and a "*discontinuance of law*" arise amongst the community. The evil, however, is not confined to

Charter of
Dungannon
Appendix,
No. XX.

the probability of this occurrence, for by the words of such charters the description of heirs intended cannot be ascertained, and in some places it is thought to be the *heir lineal or heir of line*, while in others it is said to be the *heir male or heir of entail*, and under these circumstances, as both cannot be right, it must happen where both have been acted on, that the proceedings in many respects were and are for all legal purposes now null and void.

But even the acts had and done in their present condition by those exclusive corporations call for some general and immediate measure, which, through the tender consideration of parliament, may blend a curative and pardoning spirit with that of reform. By the statute 10 Henry VII. it will be recollected a heavy penalty was attached to the admission of freemen into those places, unless resident or qualified as directed by that Act. This statute was relied on in two important cases within some years past, and its validity as an existing statute is placed beyond doubt by late research.* Yet on inquiry it will

Waterford
case in 1802,
Limerick
case in 1825.
See the ver-
dict as to
Naas, with
full penal-
ties, Ap-
pendix, No.
XXXI.

* Though this act was inserted in the first printed edition of the Irish statutes, and has continued to be printed in all subsequent editions to the present day, yet in the above cases much argument arose as to its then *having force or operation*. That question, however, is now set at rest through the learned research of the author of "The LAW of ELECTION in the ancient CITIES and TOWNS of IRELAND," who has embodied in his work the proceedings and verdict under this act against Naas corporation in the reign of Queen Elizabeth.

be found that some thousands of non-resident freemen have been admitted into the corporations, and that many thousands of pounds might now be sued for and recovered, as penalties against persons now and heretofore connected with the present corporate system in Ireland. To remedy or prevent this belongs only to the legislature.

Greater and more serious, however, are the penalties incurred and now hanging over these institutions on another account. The act prohibiting bye-laws to be made contrary to the king's prerogative and jurisdiction, has been already referred to elsewhere, and after its enactment it became an invariable clause in all charters, without exception, to grant that the corporation might be able to make bye-laws, such as would be "*good, salutary, useful, honest, and necessary*" for the good rule and governing of the place, but invariably with this clause, "*provided always that the said laws, statutes, and ordinances be not contrary or repugnant to the laws and statutes of our said kingdom of Ireland.*" In 1640 this prohibitory power or check on the corporate cities and towns was thought so salutary that a bill was prepared, and received the royal assent, for passing in the parliament of Ireland, by which the minor corporate bodies also within such places, namely, the guilds, crafts, mysteries, or trades, were made liable to a penalty of 10*l.* for any bye-law they should make

Public Statutes, 10 Hen VII. ch. 7.

"Bon' salutar' util' honest' et necessar." &c.

Pr'viso semper quod dict' leges statut' et ordinac'o'es non sint contrar' sive repugnant' legib, et statutis d'c'i regni n'ri Hiberniæ."

See Certified Bill. Appendix, No. XXXII.

in diminution of the king's prerogative, or *against the people's common profit*, unless first examined and approved by the lord chancellor, or others therein named. Now, on a review of the bye-laws made in the several corporations of Ireland, particularly between the year, 1660 and 1820, so far as the same have come to light, it would appear that bye-laws were framed by them in every respect contrary to the king's prerogative and jurisdiction not alone, but also directly opposed to in many important points the common law and statute law of Ireland. This fact is not confined to one corporation, or to any particular class, but is applicable to all, and leaves them liable to scire facias's, quo warranto's, or such other proceedings as might be thought best calculated for effecting their general disfranchisement.

Another, and an extremely large class of corporations, are now defunct, and can only be revived by the legislature; amongst them conspicuously placed is Athboy, whose estates being usurped, and perhaps in consequence its officers or functionaries not being appointed or filled up, though in law essential to the existence of a corporation, that town, like all the other places of a similar description, is now without any lawful municipal institution.

* For the developement of the spoliation of the town property in Athboy, valued at £3000 per annum, the public are indebted to the patriotic and spirited exertions of A. Newcomen, Esq.

Lastly, let us select Wexford as a specimen of a class which, like those preceding, can only be restored or revived by the legislature. It appears that the charters of the towns now spoken of require that a majority of burgesses and freemen should be present at all elections for corporate officers: this, however, in those places has not been observed or attended to, and it is said (indeed in some places insisted on) that all the corporate acts are null and void, and have been so for many years!! When we consider the number, variety, and importance of acts and corporate proceedings of a public though local nature thus called in question, and their effect and importance to individual rights, when traced through the general ramifications of corporate affairs, it must be conceded that this one class alone, if none other required it, would justify the immediate application of parliamentary remedy.

*Report of
the Com-
missioners
on the Irish
Boroughs,
p. 141.*

Under these circumstances, and the facts above alluded to, it may in a few words be said that, notwithstanding all the remarkable changes, alterations, and revolutions, which occurred in corporate establishments in Ireland during the past six hundred years and more, there never was a period when, for the purity and welfare of most of the corporate bodies—for the protection and safety of numerous individuals in a pecuniary point of view—for the preservation and revival from extinction of many incorporations—and when for the general



CHAPTER VI.

Propriety of general restoration and extension of Corporate rights—doubts as to the means—present legal remedies objectionable as such—would be ineffectual also as to new creation or extension—therefore necessity for one general enactment.—Classification of Corporations.—First class, second class, and third class, separately described—rules applicable to all—All rights of freedom other than as described, to be abolished—Vicious abuse of guilds.—Courts of justice.—Recorders.—Juries, original pure principles of—modern Juries—evidence as to, in 1833—remarkable trial—the “accident”—new Jury Bill.—Knights in Dublin—Bye-Laws.—Corporate Estates.—Public assessments.—Poor Laws.—Parliamentary Representation.

WHOEVER has read the preceding chapters must admit the propriety of a revision, or restoration and extension of corporate rights, immediately and generally to be effected; in doing this, however, it will be confessed, that though the frequent changes made by parliament and the crown in these institutions afford abundant precedents for the most extensive alterations, yet some there are, even the best intentioned, who would still prefer the remedies provided by existing laws,

interest of the community, one universal legislative measure of municipal reform, restorative and constitutional, was so obviously and essentially required.

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before resorting to parliament for new and specific enactments. It is true, say they, that already strong hopes have been raised of legislative interference, but hopes equally strong, and that in a reform, if possible, of more public importance, had been entertained of relief from the same quarter; yet after the most intense excitement and much protracted delay, the public, of Ireland at least, experienced in return bitter disappointment. Why, therefore, it is asked, are not legal proceedings commenced for recovery of corporate property, and restoration of corporate franchises in the several towns in Ireland? All noxious test-oaths are now completely swept away, and why not proceed for the recovery of the ancient right of freedom as so long used and enjoyed in the towns of Ireland? Have not the special verdicts and peremptory mandamuses, which were obtained in the years 1768, 1769, 1770, and subsequent years, as to several cities and towns, fully settled the law or usage that "from time whereof the memory of man is not to the contrary," a right to corporate immunities by inheritance, by marriage, and by service, existed and exists in the Irish boroughs, not (as some have *since the year 1793* considered) subject to the approval or discretionary authority of the self-elected and excluding corporation, but a *right, unqualified, absolute, and indefeasible*? Are not the charters and incorporate rights of several towns already forfeited, or such towns now

Special verdicts. Rule books, King's Bench, Dublin.

disfranchisable by their own acts; and after due course of law for the extinction of the others, cannot new charters of incorporation be obtained from the crown restoring all the inhabitants? But above all, they ask, is it not now at every side admitted to be the law, confirmed by decided cases, that under the statute 14, 15 Charles II. the New Rules, and subsequent acts, every individual inhabitant carrying on trade or business in shops or rooms can for 20*l.* enforce his freedom in the corporate town where he resides? And if such be the law, and if so many remedies are already provided, why leave that to the chance of postponement and stinted reform, which can now be fully and almost with certainty obtained?

To these, however, it may be replied, that it is supposing an extreme and improbable case (even though the subject is *justice to Ireland*) to anticipate in this respect the same disappointment which the Irish nation lately experienced; and if similar injustice should occur, the remedies just mentioned will then be available; these remedies were either heretofore not sought, were imperfectly known, irregularly attempted, or if duly sought were doubted and most *unfavourably viewed*; but now under an altered system, that they are all available and sure remedies, is placed beyond dispute. Yet it is clear, that, unless as a dernier resort, these legal remedies should not be applied to. It would be easy to picture the general

spread of local excitement and irritation such proceedings must cause ; the expensive litigation ; the tedious delays of law proceedings, so intricate in their nature ; and the useless though certainly well-deserved exposé of those viceroys, secretaries, and other functionaries, who in long succession having had charge of Irish rights, and having so often boasted of peculiarly Irish sympathies, yet left unenforced such salutary provisions.*

In addition to this, we should observe, that there are doubts as to the king's power to create or confer all the usual privileges of a corporation by mere charter at the present day ; and even amongst the advocates for the crown's prerogative rights, it is said, that the authority of par-

* When the author, with a view of opening the long closed corporation of Carlow, professionally consulted one of the most eminent legal authorities on municipal franchises, namely, Mr. Serjeant Merewether, he found that the most summary and available method of obtaining corporate freedom is by proceeding under the statute of 14, 15 Charles II. which throws open corporations to all merchants, traders, shopkeepers, artisans, &c. in the towns of Ireland. This proceeding, like any and every other salutary measure for Ireland, was not allowed, or rather was *not countenanced* in former times ; but it still exists, and *has been available to all classes of people ever since the year 1793 !* Before quitting this subject it may be useful to say that the above act, which is now a general charter of enfranchisement to the inhabitants of Ireland, was originally passed by Lords Ormond and Orrery, to get *foreigners* from all parts of the world to settle in those towns, and thereby supply the place of the ancient hereditary freemen or inhabitants whom their lordships had illegally excluded. How vain and impotent in this as in other instances, have the machinations of wicked ministers in time become through the inscrutable workings of Providence !

liament is required. In this way, therefore, to re-create or renovate those places disfranchised, and to create corporate privileges anew in places not before incorporated, with a view to the encouragement of our town population, would not be attainable by such law proceedings, but could only be obtained duly and effectually through the authority of the legislature.

It is evident, under these circumstances, that to accomplish a national measure of such magnitude, embracing as it must restoration of constitutional rights and reformation of existing institutions, as well as extension or new creation of municipal liberties, nothing at this day, when public rights are so scrupulously viewed, can be satisfactory or sufficient but a parliamentary enactment. With this impression, therefore, and for the purposes just specified, the following series of practical hints or suggestions are respectfully offered for examination and adoption.

As one general form of incorporation, or one uniform system of officers and qualification will be found impracticable in towns, whose population, wealth, trade, and other local circumstances are widely different, so it seems at once necessary to distinguish them into three classes, and to speak separately of each in its proper place. The classes proposed are as follow.

CLASSIFI-
CATION.

- I. Class. All cities and towns having a population exceeding fifty thousand.
- II. Class. All cities and towns having a population below fifty thousand, but exceeding ten thousand.
- III. Class. All cities and towns having a population below ten thousand, but exceeding fifteen hundred, or, having an existing corporation, though not that amount of population.

Class No. I.—It is proposed in all the cities and towns which, having a population exceeding fifty thousand, come under this head, that every inhabitant ten pound householder shall be to all intents and purposes a freeman of such city or town; and that such inhabitant householders congregately shall form the basis of the new incorporation; that the city or town be divided into twelve divisions or wards; that once in every three years the freemen so created shall elect twelve of themselves in each division or ward, and the total persons so elected, being one hundred and forty-four in number, shall when assembled with the aldermen hereafter-mentioned, form the common council; that out of this common council the freemen at large shall once in every year elect two persons as sheriffs; that out of the common council, or from amongst those who had served that office once, the freemen at large shall once

in every seven years elect twenty-four persons as aldermen, two of whom shall act and preside as magistrates in each of the divisions or wards; and lastly, that once in every year the freemen at large shall elect out of the common council one person to act as mayor or head of the incorporation.

Class No. II.—In all the cities and towns which, having a population exceeding ten thousand, but not amounting to fifty thousand, come under this head, it is proposed that every inhabitant ten pound householder, and every inhabitant householder having a beneficial interest of five pounds, shall be to all intents and purposes a freeman of such city or town: and that such inhabitant householders congregately shall form the basis of the new incorporation; that the city or town be divided into six divisions or wards; that once in every five years the freemen at large so created shall elect six of themselves in each division or ward, and the total persons so elected, being thirty-six in number, shall when assembled with the aldermen hereafter-mentioned, form the common council; that out of this common council once in every year the freemen at large shall elect one person to act as sheriff; that also out of the common council, or from amongst those who had served that office once in every seven years, the freemen at large shall elect six persons as aldermen, one of whom shall act and preside as magistrate in each of the six divisions or wards;

and lastly, that once in every year the freemen at large shall elect out of the common council one person to act as mayor or head of the incorporation.

Class No. III.—Though in most of the towns which, having a population below ten thousand and not exceeding fifteen hundred, come under this head, there may not be generally found the materials for a regular incorporation, yet they form the class of places which, with a view to encourage town population, are entitled to the closest care and regard. It is proposed, therefore, that in all such places, whether already incorporated or otherwise, the inhabitant five pound householders shall be able to assemble themselves and there in public meeting and by public vote elect yearly one of themselves to act as mayor or head officer of such town; and also in the same manner to elect yearly such and so many others of the officers mentioned in the two preceding classes, as they may deem fit and suitable to the size and population of such town. In those towns, however, where from paucity of population there may be unwillingness on the inhabitants' part to incorporate themselves in such manner, or where from other causes no such incorporation shall be effected, then it shall be lawful for the majority of inhabitant five pound householders within such town or two miles thereof, calculating from its most central part, to assemble themselves in the

manner described in the statute passed for that purpose in the year 1828, and when so assembled, to assess themselves, not only for the purpose of lighting, watching, cleansing, and paving thereby authorised, but also for all other useful local purposes which the majority may think fit; and further, that the inhabitant householders so assembled should have power to name or elect yearly some five or more of themselves to assess such expenses, levy same, superintend the execution of those local works, and to act and have all such reasonable rank as may render the office desirable, and such becoming authority as to enable them duly to execute their functions: that the five so elected shall yearly elect one of themselves, and the one so elected shall act and preside as a magistrate within that town and two miles thereof, and have all such reasonable and proportionate jurisdiction, power, obedience, and assistants as head-officers possess in corporate towns. Provided however as to this present class, No. III. that in either case, whether incorporating themselves and electing officers on the model of Nos. I. and II., or whether merely assembling and electing five as thus last proposed, they certify in writing duly signed into chancery the form they have chosen, and that such writing, when enrolled, shall be to all intents as a public registry or notification of their incorporation, and as available for all purposes as the enrolment of any charter. It should

Public Act,
9 Geo. IV.
ch. 82.

also be provided, that in either case also no election should be made or other proceeding had contrary to the general principles proposed for the two preceding classes.

Such are the propositions or suggestions which, after deep attention to the subject, are respectfully offered towards this great measure; they will be found to relate to the leading or fundamental principles of the new institutions, and bear little on those numerous details and minute considerations of form, manner, time, &c. which must constitute a large share of the trouble and labours of the legislature, and which, depending as they do so much on opinion, must make their own way to adoption in a popular assembly. There will be offered, however, in their stead, some fixed and general rules applicable equally to all of the foregoing classes: the justness of these rules could be warranted by references to the past, as well as the present history and condition of the Irish corporations; and if in point of practice their adoption appears questionable, it can be safely vouched that they have not been proposed until after long and mature consideration.

QUALIFICA-
TION FOR
CORPORATE
FREEDOM.

From the passing of the intended act, all rights of freedom by birth, marriage, servitude, special grace, and otherwise, except by inhabitation and householding as already described, to be forthwith extinguished. This will secure an uni-

formity of system, and besides will ensure a lasting continuance, whole and uncontaminated, of the new principle of incorporation, which otherwise may soon be corrupted, and in the end destroyed, by any attempt at amalgamating the old with the new—the pure with what is and must be acknowledged to be impure. Saving, however, the rights of those already enfranchised :—all rights of freedom, other than that derived from inhabitation, were a deviation from the ancient laws of the Irish boroughs; and those modern nuisances called “guilds,” were originally and for centuries no more than classifications of inhabitants there associated for the purposes of trade, but *already and in another right* having corporate privileges. The power of forming guilds or fraternities was always a privilege conferred on the incorporated subsequently, and that often not until centuries after the original incorporation ; it was therefore not the cause of their freedom, but an immunity granted for the use of tradesmen, and only enjoyable by those already enfranchised. The *qualification* for enjoying the rights of a guild was the *possession of corporate rights* as an inhabitant householder ; yet so great is the change which has taken place, that these guilds are now receptacles principally for those who, according to the ancient law, would have no right or pretensions to corporate freedom. If we view them as connected with trade, and turn even to England, we

English
Acts, 8 Eliz.
ch. 7.
14 Eliz. ch.
12.

Dr. Wade's
History of
the Mid-
dling and
Working
Classes.

shall find them exclaimed against by the statute-law, so early as the fourteenth century. The Shrewsbury petitions, in the reign of Elizabeth, show that when the legislature yielded to their wishes, the guilds themselves were obliged to admit that their monopoly and exclusion had banished the population, and brought impoverishment and ruin on themselves: but further, it is universally agreed by writers and historians, that the great seats of English manufacture, Manchester, Birmingham, Sheffield, and Leeds, chiefly be-

came so, because "the most expert operatives and enterprising tradesmen resorted there, to escape *the arbitrary jurisdiction of incorporated guilds.*" But this factitious connexion with corporate bodies is no longer salutary; and as cities and towns are now filled with other inhabitants, besides those engaged in trades, so their unjust interference or influence in corporate affairs should be at once extinguished. The qualification also as above proposed for the new right to corporate freedom, though it may be said by some to be too highly rated for provincial towns, yet is evidently sufficiently low for Dublin, Cork, and other places, where mostly these guilds or peculiar tribe of freemen abound, and so there must be ample amends for their necessary disfranchisement.

But in proving the qualification herein proposed, let us derive experience from the working

of the late reform bill for Ireland, and therefore provide against the delays, expenses, inconveniences, and litigation, which attended the proof of qualification or registration of voters under that bill. Let the proof of qualification therefore be, to the intended freemen, freed from all delays, trouble, and expense, and let the right be provable by the simplest and cheapest species of proof which can suffice in reason to form legal evidence of a right.

In each town, (as indeed in many places al- JUSTICE.
ready exist, though with varied and questioned jurisdiction,) it would be requisite to hold a court, having a civil and criminal jurisdiction equal to the court of the present assistant barristers for counties. In this court, a recorder (of whom we shall treat presently) should preside *solely* and *without control*; and thereby, in this last respect, an acknowledged absurdity and positive inconvenience now existing will be remedied. The highest judicial tribunal known is the House of Lords, and in its decisions every peer has an undoubted right to participate; but that right was acquired and enjoyed for ages before the voluminous, perplexing, and sometimes almost inexplicable body of our present statute-laws was known; and as these laws have left judicial or legal learning quite unattainable, unless by distinct and exclusive professional studies, which peers cannot be expected to pursue—so, the nobility

have long since felt the absurdity of the right they certainly possess, and as a body their lordships seldom, if at all, have latterly interfered in matters of law before the house. This example, however, was not available to some of our former governments, and they put aldermen actually on the bench with recorders to hear and determine questions of law!! These courts, in a word, should be solely left to the recorder's presidency; and further, as in every community, not only expeditious but cheap justice should be had, so the lowest possible scale of charges, as fees to office and on each proceeding, should be strictly observed.

RECORD-
ERS,

The appointment of recorder as a judicial character to administer public justice in each town is certainly indispensable, and particularly at a period like the present, when local jurisdictions are universally recommended. But the recorder, when appointed, should not act as the retained counsel or law-adviser of the corporation, nor in any way after his appointment practise as a barrister. The contrary has long prevailed no doubt, but it is prejudicial to the purity and dignity of the bench, without being of any service to the corporations. Whenever suits arise, lawyers will be easily found to advocate the chartered rights of towns, without keeping salaried recorders for the purpose; and in the contested questions of former times *between the crown* and corporate bodies, the latter seemed to derive little service from the

learned exertions of their recorders. No man should be a judge and an hired advocate at one and the same time. The income necessary, however, for barristers of sufficient experience and ability accepting this office, might in many instances be greater than the towns could well pay, and therefore one-half or two-thirds of such income should be paid by government, as expenses attendant on the administration of public justice, to be reimbursed or replaced by proportionate reductions in the numbers and salaries of the king's judges.

King James I. contrary to the ancient rights of the inhabitants, usually named the recorders expressly when granting his charters. At the restoration of Charles II. Orrery writes thus to his colleague, Lord Ormonde, in May 1661, as to the renewal of charters, — “ And because commonly the *recorders of corporations have a great influence on the corporations, and that usually the recorder is chosen for one burgess by the corporation* in which he is recorder, I do most earnestly recommend to your grace, that in the new charters a particular clause be inserted in the charter of every corporation which is to have a recorder, *that no recorder presume to act in his office till first he be approved of by the chief governor or governors for the time being ; and that he be liable to be put out of his recordership at the will and pleasure of the chief governor or governors, and no new recorder from time to time to execute the*

Orrery's
State Letters, vol. i.
p. 116.

King's Letters, State Paper Office, 16th September, 1661, Appendix, No. XXXIII.

Irish Statutes, vol. iii. p. 213. &c.

office unless first approved of as aforesaid : this I humbly conceive *will be of great advantage to the crown.*" This advice was approved of by Ormond ; and in the king's letters, which soon after issued for renewing all charters, the clause was inserted "that noe *recorder* or cheefe towne clerke in any of the said corporations shall enjoy the said office or offices *but during our pleasure*, signified by our chief governor or governors for the time being, of that our kingdom ; provided always that, *upon the dismissal* of any such recorder or cheefe towne clerk, the said corporations may nominate another person to execute the office or offices *according to the foregoing limitation.*" But the same government went further ; the Statute of Explanation most unconstitutionally delegated its authority to the lord lieutenant and council of Ireland, to make perpetual "rules, orders, and directions" for governing the corporations ; and Lord Essex, as chief governor, after duly advising with King Charles II. and his English council, issued in the year 1672, those rules, orders, and directions which now form part of the statute law ; and by these it is provided that within ten days after the election of mayors, sheriffs, and recorders, or town clerks, their names be submitted for his excellency's and the council's approbation, in whom thereby is vested a power of rejecting such officers without assigning reason or cause, and that to an extent unlimited ! The

arbitrary power in this way obtained over corporate institutions had been uniformly reprobated by all succeeding historians, and one gifted writer in alluding to it, and to the grant of a pension of 500*l.* made by the same king to the corporation of Dublin, correctly observes "that he gave them what some great men give *their prostitutes, a pension and a broken constitution.*" But originating with James I. and forced upon the country by Charles II. by his wicked servant Orrery, and by that still more wicked minister Ormond, there is almost *primâ facie* proof, if none other existed, that such control over the appointment of recorder was unjust, despotic, and incompatible with constitutional freedom. There are also many circumstances connected with the profession of barrister in Ireland, and particularly since the *impoverishment and humiliation of that profession by the Act of Union*, which render it desirable that this bait or temptation to crouch should not be renewed, and that with a view to the bar and to the bench, government should neither appoint recorders, nor possess any power to interfere with or control them. But to secure men of talent, integrity, and independent feeling for this important office, and to resist not only the unjust influence of wealth or power, but even the occasional over-pressure of popular feeling, it is proposed that the common council should be able once in every seven years to elect the officer

Dr. Lucas's
18th Ad-
dress, Dub-
lin, 1749.

called recorder from amongst the class called practising barristers of ten years' standing in their profession, and that such election should be made on the principle of vote by ballot. One regulation, however, is now loudly called for, and should be most strictly enforced, even, if necessary, by deprivation of office ; this is a prohibition that from the peasant to the peer or prince, none should have place or sit on the judicial bench with the judge or recorder during the administration of justice.

JURIES.

Many of the wisest and most beneficial arrangements in British judicature were created by that direct, simple, and unsophisticated feeling which prevailed in former times. In the early periods of our history common sense had not yielded to sophistry, men faced to men, thought, felt, spoke, and acted according to the plain and obvious dictates of reason ; they never by cant or quibble aimed to make that appear just which common sense and fact proved to be otherwise. No, it was reserved for modern statutes and modern decisions to controvert reason, and to compel a belief that what was morally wrong could be legally and politically right. It was with such direct and honest feeling the common law provided, that an alien or foreigner happening to be put on trial should not be left to the sole mercy of those who might have adverse prejudices, but could have no community of feeling with him, and

therefore directed that half his jury should be composed of aliens or foreigners. The same principle of law was also carefully observed in Ireland, whenever questions arose between the new settlers and the natives, or points were to be decided which might ultimately affect some of their rights. Thus, in the parliamentary reports is printed at length a trial which took place in the year 1200, about the estates of the see of Limerick, and in that trial we find that as the verdict might possibly concern all, so the jury was selected from twelve Englishmen, twelve Ostmen, and twelve Irishmen. In the same way, when the bounds of the lands assigned for the city and corporation of Waterford and other places in Ireland were to be perambulated and ascertained, King Henry the Second ordered by precept, that it should be done by a jury composed equally of persons *living within* the city, and an equal number of persons *living without*, as appears by the words of the charters of Waterford and other places. It has been already elsewhere shown, that amongst the earliest immunities granted to corporate towns, was that of trying and adjudicating all questions about their internal affairs, arising amongst them, by *juries of themselves*; the frequency with which this privilege was sought and granted shows the value attaching to it; and in the fourteenth century the crown, when confirming this privilege by charters, (as it did in so

Record Reports, vol. i. p. 263.

" 12 Anglicorum, & 12 Estermannorum, et 12 Hiberniensium."

Charter of Waterford, 3rd July, 7 John.

" Duodecim de ipsa Civitate & duodecim extra, per preceptum Regis Henrici patris nostri," &c.

"Nisi res
illa tangat
nos vel he-
redes nos-
tros aut
communita-
tem," &c.

many instances,) adopted the same common-sense principle on its own behalf, and therefore granted that externs should not be impannelled on juries with the inhabitants for trial of their own intern affairs, "unless (says the king) *the matter concerns us or our heirs, or the commonalty of the same*" place. Such was the long-established rule which governed this subject heretofore, and it breathes the very spirit of honesty. However, the peculiar circumstances of the country led to an alteration, and the seventeenth century in Ireland, aided by James the First, by the tyrant Strafford, the traitorous Orrery, and the venal Ormond, ended in a new system as to the formation of juries. The penal laws followed, and it would have ameliorated the exclusive jury system already working in corporate towns, if the penal code had declared the Catholics and Dissenters to be aliens in point of law as they were in truth and fact, that so they might have alien juries. But no, the penal code was contrived, as its framers always declared, to divest the unfortunate natives of all civil and religious rights, and by *gavel* and *discovery* laws to tear from them whatever portion of estates they secured by their swords honourably and bravely at Limerick. For this purpose statutes were soon passed which excluded them from juries, and, the penal code then getting full play, the remnants of their estates were torn from them piecemeal. A rapid glance only, it may be ob-

Public Sta-
tutes, 6
Ann, ch. 6;
8 Ann, ch.
3; 29 Geo.
II. &c.

served, has been given at this extraordinary revolution for obvious reasons; and here it will merely be added that many general amendments of this remarkable state of things were promised or intended in the year 1793, and long subsequently. Still, however, in the year 1838, a committee of the House of Commons found by evidence brought before them that the system of exclusion as to juries was persevered in, and that in Dublin, where the courts of public justice are held, and where the lives, liberty, and property of the whole country are liable to come under the control of juries; that in that city it was "*a close corporation*,"—that "*Roman Catholics are excluded from it*,"—that as to juries there *three hundred and sixteen* grand jurors were sworn, of whom *seven* only are Roman Catholics,—that in the grand panel prepared by the *sheriffs of this exclusive corporation* the number of jurors is "*seven hundred and fourteen*," of whom there were "*about seventy-nine Roman Catholics!*" But this subject need not be pursued, nor is it necessary to advert to the evidence recently delivered before the commissioners of corporate inquiry in Dublin, where one of the most experienced members of the Irish bar described the jury system of Ireland in such a way as must make all who regard property and liberty anxious to avoid a country where that system prevailed. One circumstance, however, cannot be passed over, as it is a practical

Evidence before Committee on Municipal Corporations, 28th March 1833, pp. 244, 245, and 251.

Evidence taken by Corporation Commissioners, 4th January 1834.

proof of the working of that system in our own time : on the 26th of November 1833, one of the most undaunted, persevering and talented writers against corporate corruption, exclusion and spoliation—one, whose political life has been perseveringly applied to the abolition of corporate monopoly, and to the rescuing of his Catholic countrymen from the tyranny of Orangeism and corporations—was brought to trial in Dublin at the suit of the Attorney-General for libel. Of course, in this instance at least, it was considered that there should be a jury composed indifferently of all parties and persons ; and some friends of Whig ministers—believers in their speeches, professions and promises, up to that time—even thought that to prevent the name of Whig from possibility of being sullied by any participation in the condemned jury system of Ireland, an Act should be forthwith passed to prevent this distinguished gentleman's case from being tried unless some Roman Catholics were on the jury. His trial however came on, but *all the jurors were protestants*, and the unhappy defendant was found guilty ! Now, we will offer nothing here as to the corporate and political character of this jury, as that is wholly superfluous to any one acquainted with the vicious political proceedings of the Dublin corporation during the past ten years. But we must specially call attention to the fact that it subsequently was canvassed in the House

of Commons, and after considerable assertion and debate the ministers argued and endeavoured to show, that it was all *the effect of chance*, and that in the Catholic metropolis of a Catholic country, the strenuous assertor of catholic liberty and enfranchisement, and the consequent antagonist of corporate bigotry and corruption, was tried purely THROUGH ACCIDENT by a jury *exclusively Protestant*, and almost without exception of the strongest political and *corporate propensities*.

Such was in substance and point the defence or case made out by the government under whose orders the prosecution was carried on; and, placing the fullest confidence in all their assertions, and taking everything to be as they wished parliament to believe, namely, that this extraordinary jury happened by ACCIDENT, we now declare that similar accidents may happen again, and that the new Jury Bill which came into operation in this present year is defective in some parts, is vicious in others, and *cannot prevent, if it may not promote*, the occurrence of such accidents. Under these circumstances corporate reform will be useless, if the following proposition, or some other founded on the same principle, be not adopted. Every freeman, viz. inhabitant householder,* between twenty and sixty, having

* "And also (says the new Jury Bill) every resident *merchant, freeman, AND householder having lands or tenements or personal estate,*" &c. Now without asking or pretending to surmise who are

the qualification already above prescribed, should be put on the panel as liable to juries; jurors' names to be drawn by lot, as it is called, out of the general body; valid objections to be attended to, and reasonable excuses, such as recent service on a jury, to be allowed; certain professions to be exempt, as now, from service; and above all, the persons called "*knights*," who, in a country like Ireland, must ever be the lower grade of aspirants to court favour, and all magistrates, should be expressly excluded, not only from juries special but common, unless having *bonâ-fide* the qualification of freemen as described; special juries to be composed of the senior, worthier, and more eminent of the inhabitant householders, such as passed the common council: a majority of the jury in all civil cases should carry the verdict.

BYE-LAWS. In affirmation of the ancient law of Ireland and of the usual clause in charters, no bye-laws should

the persons qualified to be jurors under this act, it is evident that one class, and that the most obnoxious to the people of Ireland, namely, the present *freemen* of corporations, are still retained by this new Bill! But whom does it direct to be *special* jurors, that is, in fact, the triers of all great political questions? None other than peers' sons, baronets, *knights*, *magistrates*, persons who served or were returned to serve the *office of sheriff or grand juror*, &c. This is the very basis of the old Orange jury system, which we were taught was for ever abandoned. A jury of Dublin *knights*! a jury of Dublin *police magistrates*! a jury of Dublin *sheriffs'* peers! a jury of the present Dublin *grand jurors*! But even to speak of this Bill and its workings in the provinces, it can be safely asserted, that in several counties in Ireland this system of special jurors, particularly in criminal cases, could be made the instrument of the grossest injustice.

be valid if injurious to the community or contrary to the law of the land; every proposed bye-law to be posted up in writing a certain number of days, and then to be discussed, and if approved of passed by a majority of the common council in open court, and that in the most public manner; bye-laws to be printed, that all should know what is enjoined: every lease to be executed, every office to be given away, or appointment to be made, should be strictly governed by the rules just now laid down as to bye-laws, namely, every lease executed or office bestowed should be for the public benefit, after due publicity agreeably with the law of the land, not until after proper discussion, and then only as agreed on and executed by a majority in the most public possible manner. If any should think these forms too special, let him only advert to one case, namely, that of the Waterford corporation. Though that corporation was one of the least exclusive in the kingdom, and had retained more of the popular voice than any of the others, yet the *executive* powers of it got into the hands of a few, in fact, into possession of two families. These two families, to avoid further contests, and save unnecessary expense, condescended to coalesce, and on the 10th of January 1818, "ARTICLES OF AGREEMENT" were regularly signed and sealed between them. By these articles it was stipulated, that each family alternately should return the member

See Article
of Agree-
ment, 10
January
1818. Ap-
pendix, No
XXXIV.

to parliament for that city; that in turn they should nominate and fill up the proper number of aldermen; that they should alternately elect the mayor; that they were to appoint the different officers, with the respective salaries, in a similar manner; that "the church livings" were to be disposed of in a separate class, and the first appointment which may occur "to be *disposed of by lot*;" and all other rights and properties belonging to the city were in like form regulated and appropriated by these two families. But nothing shows more strongly the public injuries which flowed from these usurpations and secret proceedings, or the shameless effrontery which the spoliators acquired from long practice, than three circumstances connected with this transaction. In the first place, they style themselves in the document "*the contracting parties*!" In the next place, after this their division of property not theirs, they modestly conclude by pledging "*their faith and honour* in the most solemn manner *as gentlemen*, in the day and year first written," for its due observance; and, lastly, (indeed unhappily,) it bears the name of one who, before this agreement was brought to light, had been always considered a pure, patriotic, and honest representative!!

CORPORATE
ESTATES.

So much has been said in a preceding chapter as to the abuses and injuries inseparable from the toll system, that it is now proposed every species

of toll should be abolished ; and though in the end such abolition will decidedly enrich those towns, yet for the present a moderate presentment in lieu thereof, from the adjoining counties, applicable to the public purposes of the towns, would be advisable. All corporation lands and other estates to be carefully inquired into, valued, and then demised for the best advantage of those towns : in every instance immediate proceedings of the most summary kind should be adopted for recovery of the corporation estates, and for their due appropriation in future. A treasurer elected every three years by all the freemen to receive the rents and profits, such officer, however, becoming bound in approved security, in a sum three times greater than the annual income or expenditure.

All officers' salaries, expenses of cleansing, lighting, paving, and other public charges, to be once in each year publicly assessed in the freest and most open possible manner. An assessment also should be made for the *poor*, the *aged*, and *impotent* of each town, and whatever may be urged as to the extension of poor laws to Ireland in general, this is here said on grounds of most urgent public policy, and as a recommendation only applicable to cities and towns. So early as the reign of Henry the Eighth, an Act was passed as to the poor in Ireland, similar to the 22nd Henry VIII. in England ; but the condition of the two countries was so strangely different

PUBLIC AS-
SESSMENTS.

Public Act,
33 Henry
VIII. ch.
15.

See Bill for
Poor Laws
in Ireland,
dated 1640,
Appendix,
No.
XXVIII.

in almost every respect, that we are not surprised to see an Act adopted in one country wholly neglected in the other. Ireland was then, and for one hundred and fifty years after, the theatre of continual wars; and though during that period some slight intermissions of peace occurred, yet it being well understood that they were wars for property, and that each new generation of settlers would open a campaign against their predecessors, so, in the absence of all peace and security, the kingdom continued lamentably deficient in commerce, trade, and riches. Hence it was, that though in 1542, the law above alluded to ordered a constable or others to take up any vagrant found begging, and without judge or jury to "*strip him naked from the middle upward and cause him to be whipped, or put him in the stockes by the space of three dayes and three nightes, there to have onely bread and water;*" and though the same law further ordered the able-bodied beggar to be tied to the end of a cart naked, and "*be beaten with whippes throughout the same market towne, or other place, TILL HIS BODIE BE BLOODY by reason of such whipping;*" yet at that period Ireland was not alive to the criminality which a wealthy state of society attaches to poverty, nor were her inhabitants so far stoicised by commercial wealth as to forget the feelings of humanity. Therefore it was that, though this brutal Act (being a transcript of the statute

just previously passed in England) was entered amongst the statutes, it immediately became operative, and so has since continued. In a century after, the Irish legislature prepared another Act on this subject, more adapted to forming a due provision for the poor, milder, and more suited to the people in its penalties, and specially applicable to all cities and towns. This Act obtained the royal assent, but from accidental causes did not go through those forms which are necessary for giving it the force of law; it, however, well merits notice in this place, and with some modifications (by time rendered requisite) its provisions for cities and towns might now be safely and beneficially adopted. In all such assessments, however, as a salutary economy and integrity of management should be ever regarded, so the following profound suggestion is offered to the reader:—"But the truth is, that if any system of *relieving the poor* were established which would be *based on popular election*, on a *short duration of power*, and on *unqualified publicity*, it would be morally impossible that such a system could be infected with any great abuse. There *never has been speculation, oppression, or waste committed in any establishment founded on the above basis*. But if that be true universally, and hold good even when the funds expended are not drawn immediately from the managers of it, would it not be contrary to all reason to suppose that men *elected*

by the people for a short time, and acting in the presence of the multitude, with a tribunal always sitting to reward or condemn them,—would it not, I say, be contrary to all reason to suppose that men so circumstanced would assess their neighbours and themselves with any other view than that of promoting the public good? I cannot believe it. I think it impossible.” Such are the words of that philosophic and philanthropic PRELATE the BISHOP OF KILDARE AND LEIGHLIN, (in Ireland it is unnecessary to add) DOCTOR DOYLE.

PARLIA-
MENTARY
REPRESENTATION.

It was not intended for many reasons to offer anything as to the present representation of the cities and towns of Ireland, as the general representation of the whole country *must soon inevitably undergo legislative alteration*. But still, with a view to correctly understanding any intermediate measure which government may be about introducing, and preparatory to a general revision of the city and borough representation of that country, several documents have been collected and will be found in the appendix, illustrative of the origin, the antiquity, the rights, and other circumstances of the parliaments of Ireland. These in many respects, and to different classes of readers, will be found useful data of much intrinsic interest.

Appendix,
No. XXXV.

With respect to the form or system of town representation adopted at *that ever-to-be-deplored epoch*, the Irish Union, there can be only one opi-

nion, and that opinion has never been doubted or misunderstood. Ireland was restricted to less than one-sixth of the number of members sent to the imperial parliament, though, as the younger country, whose interests and rights were the less matured, she was entitled to her *full moiety*, notwithstanding all the usual arguments about comparative wealth; the selection made of her cities and towns was governed by no general rule, but was worse than inconsistent; some places for their numbers, others for their trade, more for their restricted constituency, and some because their proprietors had political influence. The consequence is general irregularity and incongruity; in some counties there are several towns returning members, while in several counties there is no town representation!! It would be endless, however, to follow such inconsistencies, but in conclusion a word may be offered as to members. Originally in the intendment of law and in practice, an inhabitant citizen always was returned to parliament to represent a city, and an inhabitant burgess to represent a borough; this is even recognised by the statute-law. Now such persons being sent to parliament, not on their own individual affairs, but to do and act for all their townsmen, so it was but just and meet that their expenses should be borne by all. Hence, writs issued as a matter of course for the payment of members' "wages." Mr. Prynne has noticed some of King Edward's

writs issued in Ireland for the purpose so early as the year 1377; in the year 1641 we have the receipt which an alderman of Cork gave on receiving his wages, in these words; “DOMINICK ROCHE, ALDERMAN, doth hereby acknowledge to have received of George Terry, Esq. and chamberlain of Cork, towards the allowance granted by the corporation, being employed as one of the city burgesses in parliament, at the rate of 7s. 6d. a day, viz. two hundred and thirty-two days for the third, fourth, and fifth sessions of the said parliament, the sum of 87l. sterling, as followeth: for the third and fourth, sitting eighty-two days, the sum of 45l. 15s., and the fifth, and now last, sitting one hundred and ten days, the sum of 41l. 5s. sterling, in all 87l. sterling, and 12s. for the writ: for which sums this shall be to the chamberlain and corporation a sufficient acquittance and discharge: Witness my hand, the 29th of August 1641, Dominick Roche.” In the Commons’ Journals the payment of wages can be frequently traced down to the year 1666, but in the parliament then assembled the commons, for the most part strangers to those cities and towns, made every exertion to abolish this ancient law, as appears by several letters in the State-paper Office. In April 1666 Lord Ormond thus writes to Lord Arlington: “Secondly, that both houses of parliament being sensible of the great damage happening to many of his good subjects, by reason of the privilege

Dr. Smith’s
History of
Cork, vol. i.
p. 420.

Commons’
Journals,
vol. i.

Irish Corre-
spondence,
State paper
Office West-
minster.

of parliament, whereby they have during the severall years the parliament hath continued, been hindered from prosecuting their just and legal actions and suits against the members of either of the houses of parliament, and the many persons protected by them as their servants and attendants, as *also of the charge arising to the people by the payment of the wages that are or may growe due for the service of the knights, citizens, and burgesses in this parliament*, have it now under their consideration to waive their privileges and wages, *which cannot be don but by act of parliament*, and therefore wee are preparing a draught of a bill, to be transmitted thither, for taking away those *privileges and wages for some time.*" Afterwards, when the Bill for this purpose was going through the house, Ormond again thus writes:—"But when the Act for the additional four subsidies, and the intended act for remedying the inconveniences arising by the privileges of the members of both houses, and for easing the people *of the charges for wages for the service of knights, citizens, and burgesses* of this parliament, shall passe into lawes, then I, the lieutenant, by advise of the counsell do intend (if his majesty shall judge fit) to dissolve," &c.

Strange to relate, however, that this bill of privilege for abolishing payment of wages to members was rejected by the House of Lords, as a despatch from the same lord soon after notifies,

“ the bill of privilege which past in the *House of Commons without one dissenting vote, was this day rejected in the House of Lords ;*” and so the ancient law is still unrepealed. It appears, however, that soon after this, a class of persons sought the representation of cities and boroughs other than citizens and burgesses—persons who entered parliament solely for their individual profit and promotion. This became too manifest longer to be concealed, and payment of wages for public services could be but badly enforced or demanded ; hence the practice of paying them went gradually into disuse, and has been latterly not known. But the corruption of boroughs and of parliaments commenced with that assembly, which attempted by abolishing wages to throw off the fair control constituents should possess ; and for one hundred and seventy years independent gentlemen, *liberal* and so *disinterested* as to refuse all *lawful* payment, have been solely the parliamentary representatives. What have these independent gentlemen of estate and fortune been doing all that time ? Had not the sum total of their doings brought the empire to the awful alternative of reform or revolution ? These are matters of such notoriety, however, that they are indisputable, and afford proof that estate or wealth will not exempt from meanness, avarice, or corruption. Under these circumstances, therefore, let the common-sense principle be revived ;

let us try whether political integrity can exist without territorial possessions ; or whether depth of purse is the surest test of virtue. To try this, therefore, it is but to revive the ancient law and long continued practice ; the experiment is worth making, and if the result should prove unlike our expectations—if the humble burgess, now at length enabled to resume his place in the legislature, should disappoint our hopes, we shall have still the consolation to reflect that he *never can prove worse than his wealthier and prouder predecessors*. Sincerely anxious as all must be for the respectability of the representation, it is earnestly hoped this proposition will be adopted : Let the ancient law be acted on, and so no useful citizen or burgess be henceforward excluded from parliament merely from want of wealth ; while at the same time, let it be deemed meritorious for the estated and affluent to remit their demand, or assign over their wages to the local poor, or other public purposes.

FINIS.

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APPENDIX.

No. I.

TRANSLATION OF CHARTER TO DUBLIN, DATED IN
1192, AS PUBLISHED BY PARLIAMENT.

JOHN, Lord of Ireland, Earl of Moreton, to all his men and friends, French and English, Irish and Welsh, present and to come, greeting: Know ye that I have given and confirmed to my CITIZENS OF DUBLIN, as well without the walls as within the walls, DWELLING AS FAR AS THE METES OF THE CITY, that they may have their metes as they were perambulated by the oaths of our good men of the same city, by precept of the King Henry my father; that is to say, on the eastern part of Dublin and the southern part of the pasture which leads as far as the gate of the church of St. Kevin, and so by the road as far as Kilmerecaregan, and so by the mear of the land of Duvenolbroc as far as Dother, and from Dother as far as the sea, to wit, at Clarade near the sea, and from Clarade as far as Rennielan; and in the western part of Dublin from

the church of St. Patrick, by the valley as far as Karnanclonégunethe, and thence as far as the mear of the land of Kylmenan, and beyond the water of Kylmenan near Aveneeth as far as the fords of Kilmeahanoc, and beyond the water of Avenelith towards the north by Ennocneganhoc, and thence as far as the orchards of the Holy Trinity, and from the same orchards as far as the gallows, and so by the mear between Clunlith and Crinan as far as Tolekan, and thence as far as the church of St. Mary of Houstmanebi. And that they have all the liberties and free customs underwritten. The liberties therefore which to them I have granted are these, to wit, that no citizen of Dublin may plead beyond the walls of the city of any plea, except of pleas of exterior tenements which do not belong to the hundred of the city; and that no citizen shall make duel in the city of any appeal which any one against him may bring, but he shall purge himself by the oaths of forty men of the same city who may be lawful men. And that no one shall take entertainment within the walls by assize or by liberation of the marshals against the will of the citizens. And that they be free of toll and lastage, and passage and pontage, and from all other customs throughout my whole land and dominion. And that no one be adjudged in a fine of money unless according to the law of the hundred, to wit, by forfeiture of 40s., whereof he who falls into fine shall be freed of a moiety, and the other moiety he shall give in fine, except three fines, to wit, of bread and of ale and of might watch, and which are fines of 2s. 6d.; one moiety

shall be forgiven, and the other moiety shall be rendered in fine. And that the hundred only once be held in the week. And that in no plea shall any one be accused by meskenninge: and that justly they have their lands and tenures and recognizances and debts throughout all my land and dominion, whoever may owe the same; and that they may be able to distrain their debtors by their chattels in Dublin; and that, of the lands and tenures which within the city they have, right may be held to them according to the custom of the city; and that of the debts which may have been incurred in the city, and of the recognizances there made, pleas may be held in the city according to the custom of the city; and that if any one anywhere in my land or dominion may have taken toll of the men of the city, if he return it not after being required to render it, the provost of the city may take thereupon his chattels at Dublin and distrain him to return. And that no foreign merchant buy within the city, of a foreigner, corn or hides or wool, unless of the citizens; and that no foreigner may have a tavern of wine unless in a ship: this liberty however reserved to me, that of every ship which thither with wines shall happen to come, my bailiff in my place shall choose two hogsheads of wine where he wishes in the ship, one, to wit, before the mast, another behind the mast, to my use, for 40 shillings; one for 20 shillings, and another for 20 shillings; and nothing more thereout shall he take unless at the pleasure of the merchant. And that no foreigner may sell cloth in the city by retail; and that no foreign merchant shall

tarry in the city with his wares for selling his wares, unless for forty days. And that no citizen of Dublin anywhere within my land or power be distrained for any debt, unless he be a debtor or pledge. And that they may be able to marry themselves, and their sons and daughters and widows, without licence of their lords; and that none of their lords, on account of foreign lands, may have the custody or donation of their sons or daughters or widows, but only the custody of their tenements which may be of their fee until they have age. And that no recognizance be made in the city, and that they may have all their reasonable guilds as the burgesses of Bristol have, or better were accustomed to have; and that no citizen be compelled to repledge any one unless he wish it, and although he may be dwelling on his lands. And I have granted to them all tenures within the walls and without the walls, as far as the aforesaid metes, to dispose thereof according to their pleasure by the common assent of the city, in messuages and in plantations, in buildings upon the water and elsewhere, wherever they may be in the city, to be held in free burgage, and by the service of landgable which they render within the walls. And I have granted that every of them may be able to better himself as much as he may, in buildings to be made wherever he wishes upon the bank without damage of the citizens and city; and that they may have and possess all lands and void places which within the aforesaid metes are contained, to be built at their pleasure. And I have granted to them that neither the Templars nor Hos-

pitalers have any man or any messuage free of the common customs of the city within the aforesaid metes, unless one only. These all to them I have granted, saving the tenures and lands of all those who lands and tenures have, and my charter thereof, beyond the walls as far as the metes aforesaid, that the city may not of the same lands as of others dispose, but that they do all customs of the city as other citizens. Of those therefore this I say, who my charter may have of any lands within the same metes beyond the walls, before to the city the said liberties and this charter I had granted; wherefore I will and firmly command that the aforesaid my citizens of Dublin, and their heirs after them, may have and hold all the aforesaid liberties and free customs, as is prescribed, of me and my heirs, as the same at any time better and more entirely they had, when they were good, well and in peace, and honourably, without any impediment or trouble which any one to them thereupon may cause. Witnesses, Stephen Ridell my chancellor, Walter de Dunstanville, William de Kahaigne my seneschal, Theobald Water the butler, Hamund de Valonia, Ingelram de Pratellis, David Walens, Richard de Rivier, Fulco de Caunteleu, William son of Richard, Gilbert de Angulo, Roger Tyrel, Master Benedict, Master Peter Canuto: at London, of the reign of Richard King of England the 3rd year, the 15th day of May.

No. II.

TRANSLATION OF CHARTER TO DROGHEDA, DATED
THE 37TH HENRY III.

HENRY, by the grace of God, King of England, Lord of Ireland, Duke of Normandy and of Aquitaine, and Earl of Anjou, to his Archbishops, Bishops, Abbots, Priors, Earls, Barons, Justices, Sheriffs, Provosts, Ministers, and all his Bailiffs and faithful subjects, greeting: Know ye that we have granted, and by this our charter have confirmed for us and our heirs, to our BURGESSES OF DROGHEDA towards Uriel, that they and their heirs do have and hold the borough and water of Drogheda towards Uriel, with all its appurtenances and its accustomed issues and advantages, and with all its liberties and free customs which they have hitherto used in the times of our predecessors the Kings of England and our own, as well and freely as they then held and do still hold them, together with the liberties and acquittances contained in our former charter which they have, and with the liberties under written; saving unto us and our heirs our farm aforesaid in the same charter contained; to wit, that they may freely marry themselves, their sons and their daughters, and their widows, according as they shall please, unless the marriage of them shall pertain to us, or others of our land of Ireland, by reason of the lands and tenements of foreigners. And

that no sheriff, or other our bailiff or minister, shall intermeddle himself in making any attachments or summonses in the said borough, except the provosts or coroners of the same borough, who are to answer concerning the pleas of our crown of the same borough, before our itinerant Justices of Common Pleas in the same borough to be pleaded. And that they may choose from among themselves one mayor in the said borough by election of the same burgesses, who is to see that the provosts and other bailiffs of the said borough do treat with justice the poor as well as rich, and that the Templars or Hospitalers be not allowed to have in that borough any man or any messuage, save only one, quit from the common customs. And that no foreign merchant may make stay longer than forty days in the said borough with his merchandise for the purpose of selling his wares. And that no burgess of the said borough be compelled to bail any one except he please, although he be dwelling on his land. And that no burgess of the said borough do answer in that borough for any writ except for a writ of right concerning any tenements within the bounds of the same borough, saving the provisions made in the place of writs which are current in foreign lands. And that no one may hinder any kind of merchandise which any merchant may wish to bring to the said borough neither by land nor by sea, but that he do come in peace and return freely without any impediment. And if any person shall have held any tenement within the bounds of the said borough either by gift or purchase, or from inheritance, for the space

of one year and one day without any challenge, and there shall have resided any one in the parts of Ireland claiming unto himself a right in the same tenement, who shall be of full age and free of body, and not sickly, and he shall have made no challenge thereto within the term aforesaid, but shall have maliciously withdrawn himself, he shall lose his challenge for ever. And if any one shall have desired to bring any ship laden with wine to the said borough, and through stress of weather shall have landed elsewhere, he shall not be compelled to give prizes thereof unless he shall wish to sell those wines in such place. And if any burgess shall be attached within the bounds of the said borough, the mayor and burgesses of the same borough shall hold their court for him, and shall show justice to the complainant, in the same way that an earl or baron or any other magnate of Ireland ought to hold his court for his men, according to the law of our land of Ireland. We have also granted, and by this our charter have confirmed to the same burgesses, that they and their heirs for ever shall have a fair in the said borough yearly, to last during fifteen days, that is to say, on the eve and on the day and on the morrow of St. Luke the evangelist, and for the twelve following days, unless such fair be to the damage of the neighbouring fairs. Wherefore we will and firmly command for us and our heirs, that the said burgesses and their heirs for ever do have and hold all the aforesaid liberties and acquittances, together with all the liberties, acquittances, and customs hitherto enjoyed in the said borough in the times of our predecessors

the Kings of England and our own, as well, fully and freely as they held and enjoyed them in the times aforesaid. And that the same burgesses and their heirs for ever do have a fair yearly in the said borough, to last during fifteen days, that is to say, on the eve and on the day and on the morrow of St. Luke the evangelist, and for the twelve following days, together with all the liberties and free customs to the same fair pertaining, unless such fair be to the damage of the neighbouring fairs as is aforesaid. These being witnesses, Geoffry de Lezegnane our brother, John de Grey, Stephen Longespe; John Maunsell, Prior of Beverley, Master William de Kilkenny, Archdeacon of Coventry; Robert Walerand, Ebulo de Montibus, Nicholas de Lemaux, Walter de Thurkelly, Robert le Norreys, Roger de Lokington, John de Gerres, and others. Given by our hand at Clarendon, on the 12th day of September, in the 37th year of our reign.

No. III.

CHARTER OF LUCAS ARCHBISHOP OF DUBLIN, TO
HIS BURGESSES OF RATHCOOLE.

Univerſ Xpi fidelibus ad quos pſens ſcriptum
pvenit LUCAS DEI GRATIA DUBLIN AE'PUS ſaltem
in Dño. Noverit universitas veſtra nos de con-
ſenſu & aſſenſu caploꝝ nꝛoꝝ Sçe Trinitať & Sçi
Patricii Dublin inſpecta carta bone memorie
Johis quondam Dublin Aēpi pdeceſſoris nꝛi con-
ceſſiſſe & hac pſenti carta nꝛa confirmare BUR-
GENSIBUS NꝛIS DE RADCOOLE libtes & conſuetudines
omnes quas hēnt burgenses de Briſtoll cum
burgagiis ipſoꝝ; viz. *ſingulis eoꝝ quatuor acris
terr' in meſſuag' prat' & terra arabil'*; reddendo
inde annuatim nobis & ſucꝋoꝛibꝫ nꝛis xij. denarios
p ſingulis burgagiis ad duos terminos anni me-
dietatem ad feſtū Sçi Michis & medieť ad Paſcha.
Et quia de burgagiis ſuis relevia dare non con-
ſueverant eis eadem remisimus p nobis & ſuc-
ꝋoꝛibus nꝛis, ita qđ de dicto burgagio nunquam
de cetero relevium exigatur ſicut nec unquam
ante tempus nꝛm exigi conſuevit. In cuj⁹ rei
teſtimꝫ pſenti ſcripto ſigillum nꝛm una cum ſigil-
lis dictoꝝ caploꝝ Sč Triñ & S. Pať Duť apponi
fecimus: hiis teſtibus, &c.

No. IV.

CHARTER OF THE PRIOR OF INISTIOGUE TO THE
TOWN OF INISTIOGUE.

Sciunt oēs tam p̄sentes qm̄ futuri qđ ego Aluredus Prior de Inistioc & ejusd̄ loci canoñ concessiū & hac p̄senti carta n̄ra confirmaveriū Burgensiū n̄ris de ead̄ Inistioc oēs lib̄tates quas decet burgenses habere & nob̄ licet conferre hēdas & tenend̄ imp̄p̄m de nob̄ & succōriū n̄ris. In primis, viz. Qđ nullus burgensis trahat̄ in causam vel respondeat de ullo p̄lito quod p̄veniat infra metas burgi in curia Prioris nec alibi nisi in hundredo ville. Ip̄m autem hundred̄ in villa teneatur. Nullus burgen̄s mittat̄ in m̄ia pecunie nisi per consideracōem hundredi. Et si idem burgen̄s in m̄iam ceciderint wagiabunt nob̄ duodecim denar̄ quor̄ sex nob̄ dabunt̄ & sex reliqū iſt̄ condonabunt̄ absq̄ plaga & effusione sanguinis nisi forte aliquis eoī talis sit qđ ad delinquend̄ consuetus sit. Hundred̄ vero semell in septimana teneat̄. Nullus burgen̄s trahat̄ in p̄litū p̄ meskeninge. Liceat & om̄n̄ burgensi placitare sine motione. Nulli mercatori extraneo liceat pannor̄ descisionem facere vel tabernam vinoī h̄ere in villa de Inestioc nisi per xl. dies. Et si amplius h̄ere voluerit h̄mōi tant̄ faciat per comunionem burgi ad p̄fectū ville qđ remaneat. Nullus bur-

genſ cogat^r aliquem plegiare & si de eo tenuerit nisi sponſ voluerit. Liceat eis^d burgenſ gildam mercatoriam & alias gildas habere & suos scotenos cū omñ libtatib³ ad illos spectanſ sicut consuetudo est alia^r bona^r villa^r. Liceat eis^d burgenſ de tenſ suis que tenent in burgagiis sine injusto gravamine vicino^r suo^r disponere sicut sibi melius viderint expedire sive edificia sive orſ sive virgulta sive alia & qui tenſa sua hſent ppe aquam liceat eis extendere ea sup aquam. Ita tamen qđ antiqua via non impediatur. Concessimus insuper eis omſ conquestus suos dare vendere vel invadiare salvis serviciis & consuetudinibus que michi debent^r. Liceat eis^d *burgens' comunem boscor' nror' & communem pasturam habere p' totum scilſt ext^a sata & prata & septa.* Nullus burgenſ cogat^r catallū suū prestare nisi prius facta fuit securitas de reddendo ad certum terminū. Et si aliquis burgensis cataſ suum sponſ comodaverit ballivis curie nre si certus terminus reddendi non fuerit infra xl. dies psolvatur. Concessim³ & eis^d burgenſ *q'd possint de tenementis suis p' xx pedes terre liberos facere tenentes.* Ita *q'd communem h'eant cu' burgensib' libertatem.* Liceat & eis^d burgenſ debita sua p sectam legalium viro^r deracionare vel pbare. Concessim³ & eis qđ habeant & teneant & burgagia sua illi & heredes sui de nobis & sucſorib³ nris bene & pacifice libere & quiete integre & hereditarie *cu' trib' acris terre unicuiq' burgagio assignatis* Reddendo nob hered & sucſorib³ nris de quolibet burgagio annuatim p omi ſvicio & xij. dena^r duob terminis scilſt sex ad

Pascha & sex ad festũ S̃ci Mich̃is. *Est autem constitutio d'cor' burgens' talis q'd quil't burgens' post primam seisinam terre sibi factam in ead' villa residenciam p' p'p'riam p'sonam vel p' interpositam infra tres septimanas faciat vel imp'p'm tenementum suum amittat.* Volumus eciam quod nulla assisa victualium in burgo fiat nisi p' comuõem burgenŝ & balliõř nřoř consideracõem. Et ut hec concessio futuris temporib' irita & inconcussa p'maneant hanc cartam sigilli nři ap'positione corroboraviĩ: hiis testiŝ Thoma fitz Aton, Ad fit Milonis, M. fit Griffiĩ, Step̃no fit A , Rogero Russell, Regiĩ Kervett, Willo Poer, W. Capm.

No. V.

TRANSLATION OF CHARTER OF THE EARL OF PEMBROKE TO THE TOWN OF WEXFORD, AS RECITED AND CONFIRMED BY THE CHARTERS OF KING HENRY IV. AND OF QUEEN ELIZABETH.

KNOW ye present and to come, that we ADOMARE DE VALENCE, Earl of Pembroke and Lord of Wexford and Montunac, have given to our burgesses of Wexford the liberties underwritten, to have and to hold, of us and our heirs, to themselves and their heirs for ever. In the first place, to wit, that no burgess of the aforesaid town should be drawn into cause or should answer for any plea that may arise within the metes of same borough in a castle nor elsewhere, unless in the hundred of same town, excepting pleas which concern the men of our household or of our bailiffs, therefore the same hundred may be held in the town. No homicide, within the metes of the town done, for murder shall be reputed. The same burgesses also may be free of toll, lastage and passage, and of all other customs, through our whole land of Ireland and Wales. No burgess of same town shall be sent under fine of money unless by judgment of the hundred; and the same fine in minor pleas, as they are of bread and ale and such like, for the first turn 6d. shall not exceed; in greater pleas it shall not exceed 12d. But if a second time the same forfeiture happen, he shall

pay 12d.; but if a third time he fall into the same, he shall sustain the judgment of the pillory. The hundred however once only in the quindene may be held. Also no burgess of same town may be drawn into plea by myskenninge. Also it may be lawful to all burgesses of same town to plead without mootng, to wit, burgess against burgess. Also it may be lawful to the same burgesses to attach their debtors by the bailiff of the borough aforesaid, and to distrain them by their distress which they may find in the said borough; and if by chance a plea arise of recognizances or of distress taken for debt, into the hundred it may be brought. And if by chance it happen that toll be taken of any burgess in our land of Ireland or Wales, if he who took it being sought to return it and refuses by the distress of same place whereof he is, if found at Wexford, he may be distrained to return it. *To no strange merchants shall it be lawful to retail cloths, or a tavern of wine or of other wares to have in the town of Wexford, unless by the consent of the superior and commonalty of the aforesaid town, unless they be burgesses there.* No burgess of same town shall be distrained in our land for foreign debt, unless he be a surety or principal debtor. No burgess shall be compelled to bail any one, although he may hold of him, unless he freely wishes. We have granted also to the same burgesses to contract matrimony, for themselves, their sons and daughters, and widows, without the licence of their lords; and also it may be lawful to the same burgesses, a mercantile guild and other guilds to have, and their "scotenos," with every liberty to

the same belonging, as accustomed in other good towns. Also it may be lawful to the same burgesses of their tenements, which they hold in their burgages without injury of their neighbours, to dispose as to them may seem more expedient, whether edifices, orchards, plantations, or other things. We have granted also to the same burgesses all their acquisitions to give, sell, or mortgage, saving the services which may be given thereout, except to religious men, without our assent. Also it may be lawful to the *same burgesses beyond our [] to have common of our woods.* Also no burgess shall be compelled to render his cattle to our seneschal or to any our minister, unless first there be made to them security to restore same at a certain term. And if any burgess his cattle willingly lends to the bailiffs of our castle, if a certain term for restoring it be not fixed, within forty days let him be paid; and if by chance a change of our bailiffs be made, we the bailiff going out shall cause to be compelled to render what to them is due reasonably, so as to him they may be able to prove. Also it may be lawful to same burgesses their debts by suit of lawful men to disprove or prove. We have also granted to the same, that if any one their chattels took for the forfeiture of any other, to them without opposition they be restored, so as reasonably they can show that they are theirs. And we have granted to the same burgesses their multure in our mills by reasonable tolls. We have also granted to the same our burgesses, that no one for any accusation, felony, or trespass in our prison shall be put, but to the gate of

our castle of Wexford he may be brought, and there by manucaption before our constables may be discharged, until upon pleas of the crown by our seneschal he shall be tried. We grant also to the same our burgesses, that none of them shall answer before our seneschal or bailiffs of any causes touching them, unless by warning of eight days. Also it shall not be lawful for any of our ministers to make distrains or attachments within the aforesaid borough of the said town, unless they be for default of the bailiffs of the said borough. Also it may not be lawful to any our ministers to take victuals or other necessities of our burgesses within the aforesaid borough, unless immediately they render the price for the true value according to what they could be sold to strangers, unless they were for the provisioning of our castle of Wexford; and then within forty days, according to the true value, satisfaction shall be made to the creditors. Also we grant to the same burgesses, that if any of them be indicted for any accusation or felony within the metes of the borough, that no jury in gaol delivery shall be held upon them unless by their coburgesses and equals ("pares") within the metes of the aforesaid borough, unless it be a common accusation. Moreover we have granted to the same burgesses, that they and their heirs may have and hold of us and our heirs, freely and quietly, their burgages for ever, with all their appurtenances, by the rent which Geoffrey son of Robert first fixed on a burgage, to wit, with the appurtenances by the rent of 12 pence yearly, to be paid one moiety at Easter and another at the feast of St. Michael. We

will also that no assize of victuals be made in the borough unless by judgment of our superior and bailiffs of same town. And, that this our grant shall continue ratified in future times, this charter with our seal we have caused to be strengthened, at Radecliue upon Trent, the 25th day of July in the 11th year of the reign of King Edward, son of King Edward. These persons being witnesses; Lords, John de Hastings, John Paignell, Wm. de Cloydon, John de Pakenh'm, Robert Dendin, Maurice de Rochford, John fitz Henrie; Knights, Stephen Devereus, Richard Whit-tye, Patrick Chevre, Henry Esmond; Thomas the clerk of Feines, David de Borard, and many others.

No. VI.

CHARTER OF LORD MAURICE FITZ-GERALD TO THE
TOWN OF RATHMORE.*(Black Book, p. 312.)*

Sciant p̄sentes & futuri quod ego MAURITIUS FILIUS GERALDI dedi concessi & hac p̄senti carta mea confirmavi BURGENSIBUS MEIS DE RATHMORE quatuor viginti & quinq̄ burgagia cum p̄tiñ, viz. ad *unumquodq̄ burgagiu' septem acras terræ & frontem*, & undecim burgagia in eadem villa scilt ad *unumquodque burgagiu' dimidiam acram terræ & frontem*. Concessi etiam eisdem burgen-sibus *cořam in mora & montibus meis*, scilt in mora Trody sicut extendit usq̄ ad terram Willmi Hiñnici. Et in moř ex orientał pte ville de Radmore sicut extendit usq̄ ad terram que fuit de Bowmorenthe ex una pte, & in montibus que extendunt ad regał viam de Coylaugh sicut divide jacent inter terram dñi Aēpi & de Radmore. Et sicut divide jacent inter terram que fuit Rotherauth Walens & de Radmore. Et sicut divide jacent inter terram que fuit Robert̃ le Mansell & orientał viam de Radmore. Et sicut via regalis jacet de terra p̄dicť Roberti le Mansell usq̄ ad divisas inter terram Poncii fit Pont̃ & terram de Radmore. Salvis & retentis ad opus meum & heredum meoř mora mea Con-niggera & mora O'Ronie & dinicis meis aliisq̄ in

eođ tenemento & censibus meis in eadem villa. Tenend & habend sibi & herediſ suis de me & ħedibz meis ſcdm legem de Britoile sicut aliquis eam in tota terra dñi Regis Anglie liberius tenet. Reddendo inde annuatim ipsi & heredes sui mihi & heredibus meis p unoquoque burgagio duodecem denarios sicut continetur in carta quam ħnt de bone memorie GERALDO PATRE MEO. Reddendo etiam inde annuatim ĩpi & heredes sui mihi & heredibus meis xxx.^s. de incremento redditus p hac confirmatione mea ħenda & de minuĩ pĩculis terrarum jacentium inter dicta burgagia sua in eadem villa, scĩt medietĩ ad Pascha & medietatĩ ad festĩ Sđi Michĩs p oĩni servitio ad me & heredes meos ptinentĩ. Et ut hec mea donacō concessio & confirmatio robur ppetuũ firmitatis obtineant pſentium cartam sigilli mei munimine roboravi : hiis testibus, &c.

No. VII.

CHARTER OF THE EARL OF PEMBROKE TO THE
BURGESSES OF KILKENNY.

Sciant p̄sentes et futuri quod ego WILL'US
MARESCALL COMES PEMBROCHIE *consilio & con-*
sensu uxoris mee ISABELLE concessi burgensibus
meis de Kylkeñ omnimodas lib̄tates quas decet
burgen̄s h̄ere et mihi licet conferre h̄end et tenend
imp̄petuū de me & heredibus meis sibi & heredi-
bus suis. In primis videlicet quod nullus bur-
gen̄s trahatur in causam vel respondeat de ullo
pl̄ito quod perveniat infra metas burgi et Castello
vel alibi nisi in hundrō ville exceptis placitis q̄
sunt de hōibus hospicij mei vel de ballivis meis.
Ip̄m autem hundr̄m in villa teneatur. Nullum
autem homicidium infra metas ville f̄cm in mur-
drum reputetur. Item, nullus burgen̄s mittat
ad duellum de ullo appello quod possit fieri
contra eum nisi de morte hominis & latrocinio
vel de aliquo alio placito unde duellum raçonabi-
liter fieri debeat. Iidem eciam burgēsses quieti
sint de theolonio & lastagio & passagio & pon-
tagio et de om̄ibus aliis consuetudinibus p̄ totam
terram & potestatem meam. Nullus burgen̄s
mittatur in misericordia pecunie nisi p̄ considera-
cionem hundred & illa misericordia eciam in
majoribus placitis decem solidis non excedat
quorum medietas condonabitur & alia medietas

in misericordia reddetur. In minoribus autem placitis ut sunt de pane et servicia & vigilia & hujusmodi misericordia duos solidos non excedat quoque medietas simili? condonabitur & alia medietas in misericordia reddetur. Si autem aliquis pro pane vel servicia vel alio simili forisfacto in misericordia inciderit prima vice duos solidos misericordia non excedat quorum medietas sicut ut predictum est condonabitur & alia medietas in misericordia reddetur. Quid si secundo in idem forisfactum ceciderit duos solidos pacabit. Si autem tercio in idem inciderit iudicium sustinebit vel dimidium marcam pacabit. Hundredum vero semel tantum in septimana teneatur. Item, nullus burgensis trahatur in placitum per myskenynge. Item, licet omni burgensi placitare sine motacione. Liceat eisdem burgensibus distringere debitores suos per namia sua que inventa fuerunt in Kylkeñ. Et si forte plerumque emerit de vadimanis vel de namis pro debito captis in hundredo deducatur. Si forte contingit quod theolonium captum fuerit de aliquo burgense in terra mea vel potestate si ille qui cepit reddere requiritus fuit & contradixerit per namia ejusdem loci unde ipse est si inventa fuerint apud Kylkeñ reddere distringatur. Nulli mercatori extraneo liceat discionem pannorum facere vel tabernam vinorum habere in villa Kylkeñ nisi per quadraginta dies et si amplius hujusmodi tantum faciat per concionem burgensium ad proficuum ville remaneat. Nullus burgensis namietur vel distringatur in terra mea vel potestate per debito alieno nisi sit plegius vel debitor princi-

palis. Nullus burgensis cogatur plegiare aliquem eciam si de eo tenuerit nisi sponte velit. Concessi eciam eisdem burgensibus matrimonium contrahere sibi et filiis suis et filiabus suis et viduis sine licencia dominorum suoꝝ nisi forte firmas tenuerint de me in capite extra burgum. Nullus dominorum de quibus burgenses de Kylkenñ forinsecum tenementū tenuerunt hēant custodiam vel dominacōem seu filioꝝ vel filiaꝝ aut viduaꝝ eoꝝ set tantum custodiam teñtoꝝ suoꝝ habeant donec hii qui in custodia fuerunt plene etatis sint nisi de me sicut p̄dic̄ est extra burgum in capite tenuerint. Item, liceat burgensibus meis gyldam mercatoriam et alias gildas hēre et suos scotenos cum omni libertate ad ip̄os spectante sicut consuetudo est aliaꝝ bonarum villaꝝ. Item, liceat burgensibus de tenementis suis que tenent in burgagium sine injusto vicinoꝝ suoꝝ gravamine deponere sicut sibi melius viderent expedire sive edificia sive ortos sive virgulta sive alia, et qui tenementa sua habent prope aquam liceat eis extendere ea que edificañ sup aquam si velint. Concessi eciam eis om̄es conquestus suos donare vendere vel invadiare salvis servicijs que inde debentur preterq̄m viris religiosis absq̄ meo assensu. Liceat eisdem burgensibus extra defensum meū *com'unionē boscoꝝ meorum h'ere*. Item, nullus burgensis cogatur catallum suū prestare nisi prius facta fuerit securitas ad certum t̄minum de reddendo. Et si forte aliquis burgensis catallum suum sponte comodavit ballivis castelli mei si sertus t̄minus reddendi constitutus non fuit infra quadraginta dies psolvatur. Et si forte f̄ia fuit

mutacio ballivoꝝ ego vel ballivus meus compelleĩ qđ eis debitum suum reddat sicut raçonabiliẽ eis debere monst^r potuĩt. Concessi eciam burgensibus meis *qđ possent per viginti pedes terre liberos facere tenentes suos.* Ita qđ COM'UNE' H'EANT cum burgens' LIBERTATEM. Liceat eciam eisdem burgensibus meis debita sua p sectam legalium virorum deřonare & probare. Concessi eciam eis qđ si quis cattalla eoꝝ pro alieno forisfacto extra burgum ceperit sine occacõe reddantur sicut raçonabiliẽ monstrare poterint quod sua sint. Item, concessi eisdem burgensibus multuram suam in molendinis meis per theolonia raçonabilia. Propterea concessi eisdem burgensibus qđ habeant & teneant illi et heredes sui de me et heredibus meis libere & quiete imppetuum burgagia sua cum pertinencijs suis pro redditu quem Galfridus fit Rořti primo constituit, burgagium scilicet cum pertinencijs pro redditu duodecem denarioꝝ annuatim solvend medietatem ad Pascha et aliam medietatem ad festum Sancti Michis. Volo eciam qđ nulla assisa victualium in burgo fiat nisi p coĩonem burgensium & ballivoꝝ meoꝝ considerationem. Et ut hec concessio futuris temporibus rata perseveret hanc cartam meo corroboravi sigillo : hijs testibus, domino Hugone Osoř Epō, Johe Marescall, Johe de Orlia, Jordaņ Saugvill, Rađo fit Pagani, Galfřo fit Rořti, Milone fit Epĩ, Gilberto de Valle, Thoma fit Antoņ, Rořto Smyth, Walřo Purcell, Thoma de Druhull, Odone Archiedekne, & Riço Fannyng, & multis aliis.

Willelmus Marescallus comes Pembroch.

No. VIII.

WRIT, DATED IN 1222, PROHIBITING ANY FOREIGNERS OR STRANGERS, NOT RESIDENT IN THE CITIES OR TOWNS OF IRELAND, FROM TAKING HOLDINGS THERE, WHEREBY THE CUSTOMS OF SAME MIGHT BE DIMINISHED.

Rex Henrico Dublin Archiepiscopo et Justiciario Hibernie salutem. Datum est nobis intelligi quod *quidam homines forinseci* qui NON MANENT IN CIVITATIBUS NEC IN BONIS VILLIS *nostris Hiberniæ*, loca recipiunt et messigia in civitate nostra Waterford et Limerick et aliis bonis villis nostris *propter quod consuetudo earundem villarum diminuitur et deterioratur* ad dampnum nostrum et dispendium predictarum villarum. Et ideo vobis mandamus quod de cetero in predictis villis et civitatibus nostris loca et messigia modo predicto ad detrimentum nostrum et villarum predictarum ab aliquo capi non permittatis. Teste Huberto de Burgo apud Westmonasterium xvij. die Maij.

No. IX.

WRIT, DATED IN 1222, PROHIBITING ANY PERSONS FROM HAVING ACQUITTANCE OF TOLL OR OTHER CUSTOMS IN WATERFORD BY REASON OF HOLDING TENEMENTS THERE, UNLESS THEY WERE "COUCHANT AND LEVANT," AND AT SCOT AND LOT IN COMMON WITH THE BURGESSES.

Rex Henrico Dublin Archiepiscopo Justiciario suo Hiberniæ salutem, &c. Mandamus eĩ vobis quod non permittatis naves applicare vel receptaculum habere in portu de Ross ad dampnum nostrum et villæ nostræ de Waterford aliter quam solent tempore domini Johannis Regis patris nostri ante guerram motam inter ipsum et barones suos Angliæ. Nec permittatis *aliquibus quietanciam thelonei vel aliarum consuetudinum* habere in villa Waterford vel alibi *occasione terrarum quas ceperint et tenuerint in eadem villa Waterford* NISI SINT CUBANTES ET LEVANTES IN EADEM VILLA WATERFORD ET AD LOTTUM ET AD SCOTTUM COMMUNITER CUM BURGENSIBUS NOSTRIS WATERFORD IBIDEM RESIDENTIBUS, &c. Teste Huberto de Burgo apud Turrim London, xviiij. die Julij.

No. X.

COPY OF UNPUBLISHED STATUTE PASSED IN 2ND
HENRY VII. BY WHICH THE LANDS OF LITTLE
CABRAGH WERE ADDED TO THE CITY OF DUBLIN,
AND ALL THE DWELLERS, INHABITANTS, AND
RESIDENTS ON SAME LANDS VESTED WITH THE
FREEDOMS, LIBERTIES, AND PRIVILEGES OF THAT
CITY.

Item, al requisicon del Cōes que come la vile
de Little Cabragh p^r ceo qest si prochien al cite
de Dyvelyn souent foitez si bien oue confluence
du people al dit cite come p divēs charges, imposi-
cions, & subsidies de counte de Dyvelyn, la dit
est issint charge q̄ les tennautes del meme de
vray necessite coment avoïdes la dite vile & issint
est semble de estray voide quelle si fuit gaste &
voide p similitude sroit une denne & succo^r pour
larons le quele voet estre g^rund jeopardy & perill
a tout le county de Dyvelyn & a toutz les gents
resortautes al dite cite si due provision en celle
parte ne soit my provide. Ordeine est enacte &
establies p auctorite dicest parleament q̄ desore
enaunt la dite vile de *Lite Cabragh* soit p^rcell del
franchise del cite de Dyvelyn & repete prise &
ajuge de & dedeins la franchisesie del cite de
Dyvelyn & q̄ les enhabitautes del dit vile de
Cabragh & tous la t^re & tenauntz del mesme
desore enauⁿt p^r touz jours eient & enjoient les

librtees franquez dones & franchises del cite de Dyvelyn en tout tiell man'e & forme come lez citizeins & denseins del mesme la cite eient & enjoient. Et q̃ p mesme lautorite la dite vile de Litle Cabragh & touz f̃res rentes & s̃vices al mesme pteignuntez & toutz les tenants & residents del mesmes desore enau'nt soient quites cleres & discharges de tous mañe charges, impositions, subsidies, taxes, & coynggs & lyverees ewes & de estre ewes en tout mañe grauntes uses ou de estre grauntes ou de estre uses deins le corps de counte de Dyvelyn ou oue le comunalte del mesme. Et q̃ p mesme lautorite chescun viscount de counte de Dyvelyn & tous coroners, commissioners, assessours, collectours, bailiffs, & serjaunts, & tous aul's officers del dite counte Dyvelyn p^r le temps esteauntz forprizes seulement lez maire bailiffs & officers de cite de Dyvelyn desore enau'nt soient en'ntment discharges del fesaunce & execution de ascun offices executions & comaundements deins la dit vile de Lite Cabragh ou dedeins les teñts ou f̃res del mesme, & si ascun viscount, escheator, coroner, commissioner, assessor, collector, bailly, ou serjaunt, ou ascun aul' officer del dit counte de Dyvelyn ascun temps enapres forprize les maire, bailiffs & officers del dit cite de Dyvelyn pour temps esteauntz en'nt en la dit vile de Lite Cabragh de performer executē, distreign, ou summonē, ou attacher, ou ascun offiç attemptē faire ou executē en ascun maner de forfait^r & pdire & doier al

seigneur del dit vile p^r le temps esteauntes & a lez maire & bailiffs del dit cite de Dyvelyn p^r le temps esteauntes 100^l si sovient come ascun de les dits viscounts, eschetours, coroners, commissioners, assessors, collectors, bailly, serjauntes, ou ascun aultre officer del dit counte de Dyvelyn attempte le contrie dicest act ou ordinance.

No. XI.

UNPUBLISHED STATUTE, PASSED IN THE YEAR 1487,
ADDING CERTAIN LANDS NEAR DROGHEDA TO
THE CORPORATE TOWN OF SAME NAME, AND
VESTING IN THE LANDHOLDERS, INHABITANTS,
AND RESIDENTS OF SAME LANDS ALL THE LI-
BERTIES AND FRANCHISES OF THAT TOWN.

ITEM at the supplication of John Netterville of Dowth, Esq. that where the said besecher is seised in his demesne as of fee of all the *meses, lands, and tenementes, with the appurtenances, in Barnatty in the shire of Louth*, otherwise called Uriell, the which meses, landes and tenementes, with the appurtenances, ben wast by the grete oppression of coyne and livery and other diverse unportable charges, and so ben veray like to be, without a provision congrue and convenient be at this tyme had and ordered upon the same by auctorite of this present parliament: the premises considered, and also respecte had howe the said meses, lands, and tenements, with the appurtenances, ben scituate neighe to the towne of Drogheda and franchises of the same: Hit is ordained, established, and enacted, by auctorite of this present parliament, that from this time forward the said meses, lands, and tenements, with the appurtenances, in Barnaty forsaid, be *parcell of the said franchise of Drogheda*, and be reputed, taken, ajuged, demed, and had

as parte and parcell of the franchises of Drogheda aforesaid, of and within the same franchises of Drogheda, and *utterly discharged of the said shire of Louth and the countie for ever*; and DWELLERS, TENAUNTES, AND LAND-OCCUPIERS OF THE FORSAID LANDES AND TENEMENTES IN BARNATY AFORESAID, AND RECENDENCIARIES OF THE SAME, and of every parte thereof, and every of them, from thensforward for ever by auctoritie forsaid, have *the liberties, fredomes, and franchises of Drogheda* forsaid, and *them use and enjoy in all such manner and forme as the inhabitants of Manomore,* beying of and within the franchises of the town of Drogheda forsaid, hath used the same* and enjoyed at any tyme as parcell of the same lands; and by the said auctoritie that all the said meses, lands, and tenementes, rents and services, with the appurtenances, in and of Barnaty forsaid or thereto belonging, and all tenants, land-occupiers, and residenciaries of the same from thensforwarde *be quyte, free, and utterly discharged of all manner charges, impositions, subsidies, taxes, tallages, coyne and liveries, had or to be had, grante or to be granted, used or be graunte to be used in any manner wyse within the body of the countie foresaid, or within the commonalties of the same*; and by the same auctoritie that every sheriffe, escheatoure, coronere, commissioner, assessor, collector, bailiff, and serjeant, and every other officer of the said county for the tyme being and to be, *except mayor, sherifs, and officers of the said town of Drogheda, from thensfor-*

* The landholders and residents in Manomore were, when this act was passed, as they now are, voters in the town of Drogheda.

warde be utterly discharged for ever of doing and executing of any manner offices, execucions and commandments within the said Barnaty, or any of the meses, lands, or tenements belonging to same; and if any sheriff, escheator, coroner, commissioner, assessor, collector, baly or serjeant, or any other officer of said counte, at any time hereafter, except the mayor, sheriffs, and officers of said towne of Drogheda for the tyme being and to be, entre into said Barnaty or into any of the meses, lands, and tenements unto it belonging, to fulfill, execute, distreigne, or sommone, or attach, or any office to attempte or execute in any manner wise, to forfate and lose unto the lord or owner of the said Barnaty for the tyme being and to be, and to the mayor and sheriffs of the said towne of Drogheda for the tyme and to be, 40*l.* as oft as any of the said sheriffs, eschetors, coroners, commissioners, assessors, collectors, bailiffs, serjeant, or any other officer of the said county Louth, otherwise Uriell, attempt the contrary of this Act or Ordinance, or any parte thereof in any manner wyse; and by the same auctoritie that all manner collectors of the barrony of Ferrard in the said countie for the tym being and to be, have allowance upon their account of such sumes as concernen the said Barnaty, or the said meses, lands, and tenements thereof, or in any manner belonging unto the same in any wise.

No. XII.

REPORT OF ONE OF THE MILITARY PRESIDENTS SENT
BY GOVERNMENT INTO MUNSTER, AS TO HIS PRO-
CEEDINGS THERE AGAINST THE SEVERAL COR-
PORATIONS.

WHEREAS at the first entrance of me the lord president into the government of this province, I did particularlie acquaint the magistrates, chief, *aldermen, and burgesses of every cittye and corporate towne* heere, with his majestie's EXPRESSE PLEASURE, so that they might not longer forbear to performe the outward dutye his highness expected from them, for their orderlie repaire from time to time *to the holy temple and church of God*, there *to heare divine service and sermons read and preached, as became true Christians* to goe, and good subjects to his majestie, and so often continued the remembrance there of unto them as I did well conceive they would have bethought themselves of the long neglect they had used, and so now have more thoroughly called themselves home to the shewe of this meete duty: but finding in them an apparant neglect not to bee removed by such easie and gentle admonicions, uppon my advertizement thereof first in England, and soone after unto the lord deputie, I received a *speciall comaundment from his majestie under his own signature*, and direction from the lord deputie with in-

struction to proceed with them *in a more strickt manner*; and withal his lordshipp sending unto me an exemplificacion of the statute made and enacted in this kingdom in *the 2nd year of the late raygne of Queen Elizabeth* under the broad seale of this realme, bearing date at Dublin the last day of November last, intituled, An act for the Uniformitie of Common Prayer and Service in the Church, and the administration of the Sacraments; I caused an assembly of the counsell then present, with the mayor, aldermen, and commons of the cyttie of Cork, to attend me, and published the same, wherby they took precise notice of the contents of the said statute, and of his majestie's royal prerogative, in case they should rest themselves upon the paynes recyted in the bodye thereof; but this moveing no conformitie, they being resolved wilfully to contemne and disobey it, I proceeded immediately, according to the lord deputie's instructions, to send forth mandat in his majesty's owne name, under the teste of his highness' privy signet of the province, which onely required that they should according to the said statute repaire orderly upon every Sunday and holydaye to ther parishe church or chappell, or some such like place where devine service and sermons were read and preached, and there to continue soberly and decently during that exercise, otherwise to incurr the payne and daunger of his majestie's high indignation, and to feel the infliction of his highness' prerogative power; and besides these mandats thus severally sent and delivered unto them some five, unto some four, and to the least three, I with such of the council as as-

sisted me from tyme to tyme have often sent for them before us, and as well labored their conformities to the performance of their duties according to the tenor of the said mandats, and also laid oppen unto them the damages they would run into by contempning the same: but, notwithstanding all these good endeavors used unto them, which at many tymes I ceased not to work, as also by other privy meanes, that they might have avoyded their further troubles and hindrances, yet would they not yeeld any shewe of obedience to the command of his majestie's mandats set forth unto them by his majestie's prerogative: we then considering the waight of the cause in hand, which was not to be neglected by us, howsoever they through lack of grace to discerne what was fit to have bin done, or of good understanding to directe their hartes in the obedience and duty required, convented the persons undernamed before us to see if they could give any reason for their contemptuous recusancye, who uppon conference could alleadge nothinge else but that their forefathers had continued as they were in the Popish religion, and their consciences tyed them to the same, not one of them being able to defyne what conscience was; yet to wynne them if it might be, or at least to labor the same, and to leave no meanes unattempted that might carry any semblance of effect in this godlie service, we offered unto them respite to advise so as they would confer with such learned preachers of ours as we should assigne to worke with them, which mocion or anything else that might bee said or made unto them was of no acceptation, they being wholly bent obstinately and undutifully to persiste in their con-

tumacious recusancie against *his majestie's royall prerogative* commaunded them in the said mandat; in so much as after many and longe delays in this remise manner used unto them from the 14th of November last, at which time the proclamacion before remembered was published, besides my frequent exhortations and admonicions preceedinge the same, untill the 26th day of February last, we then at the last tyme convented them againe before us to understand their resolute answers, and what they or any of them could alleadge for themselves in defence of such undutiful contempts as they had [] expressed, tending to great disloyaltie if advantage were taken thereof as they had inforced; who being nothing penitent of any contempt, but resolved to mayntayn the same as a matter of conscience, Wee proceeded to the censuring of them as for contempts against his majestie's commaundments expressed in the mandates, and *imposed uppon each of them the ffynes annexed* UNTO THEIR NAMES, WITH IMPRISONMENT DURING PLEASURE; the one half of which ffynes, by the judgement of the court, was assigned for the erecting of an hospital in or neere the cittye of Corcke, and such other like pious uses, and the other halfe to the use of his majestie, the estreats whereof followeth here under. Yeoven at Corcke, under his majestie's privie signet of Munster, the 15th day of June, 1606.

Wm. Sarsffelde, maior of Cork, fined in 100*l.* sterlynge.

Edm. Galway, gent. 60*l.*

Edm. Morrough, merchant 60*l.*

Thomas Coppinger, gent. 60*l.*

Henry Gold fz. Adam, merchant . . . 50*l.*

John Tyrrie fiz. Francis, merchant	. 50 <i>l</i> . sterlynge.
Andrew Galway, gent. (exonerated because " sese conformavit.")	. . 50 <i>l</i> .
Walter Coppinger, gent.	. . . 100 <i>l</i> .
Jffrey Galway, soverayne of Kinsale	. 100 <i>l</i> .
Phil. Roche, of the same, burgess	. . 50 <i>l</i> .
Jas. Meagh, ditto, burgess	. . 50 <i>l</i> .
Robert Meagh, ditto, burgess	. . 50 <i>l</i> .
Patric Martell, ditto, burgess	. . 40 <i>l</i> .

[Afterwards, pursuant to Exchequer writ tested last of January, 1606, the following further certificate as to those proceedings was made to the court, viz.]

Corke ss. { Proceedings at the councel table in
the province of Mounster, with the undernamed persons, cittizens of Corke, by and before the lord president and councell there, in manner as followeth, &c.

13^o die Julii, 1606.

William Sarsfield, late mayor of the citty of Corcke, being by the lord president deposed from his office of magistracy for denying to take the oath of supremacy, and the towne and corporation having made a new choice and presented their new chosen maior unto his lordshipp, who tooke the said oath without scruple when by his lordshipp hee was required so to doo, he the said William Sarsfield, after all this don, made flat denial to deliver up to the said new elected mayor the capp of mayntenance, the sword, and other the ensignes belonging to the said office; which being complained of unto the said lord president by the said mayor, his lordshipp first sent unto the said William

Sarsfield one Henrie Toakefield, esquire, requiring him to render up the said ensignes, to whom the said Sarsfield gave answer he would not, and for reason delivered that he stood doubtful whether hee were lawfully deposed or not; uppon returne of which answer his lordshipp the next morrow after, being the 12th of July 1606, sent the gentleman porter, requiring him the said Sarsfield to come before his lordshipp to answer his contempts, to whom he gave light answer that he was not well, and that if he were better in the afternoone he would then attend; with which answer his lordshipp not resting satisfied, understanding that he was not sicke at all, sent a second commandment unto him under his hand for to repaire unto him, which commandment the said Sarsfield also contemptuously neglected and disobeyed; uppon which several obstinate contempts his lordshipp then ymployed the serjeant at armes to bring him to his lordshipp, who having uppon his duty of allegiance arrested and attached him in that behalf, he notwithstanding continued his former obstinacies and refused to come with him. To all which contempts of his, his lordshipp gave way for that night, and the next morning his lordshipp sent the gentleman porter and warned the mayor at one of the clocke in the afternoone, together with all his brethren, to attend uppon his lordshipp, and withal sent a fresh commandment to the said Sarsfield, together with the rest of the prisoners, to wayte uppon the said mayor thither; whiche commandment the said mayor duely observed, bringing with him few or none of his

brethren, for that as it seemed they denied to attend upon him; but the said William Sarsfield coming some distance of tyme after the said mayor, he brought with him, and attending upon him, the best and chiefest of the cittie in manifestation of his inward affection, and in open opposition to what he was required and commaunded: unto all which several misdemeanors and contempts of his, he being then required by his lordshipp to make direct answere, and first, why upon his lordshipp's commaundment he delivered not the ensignes to the new elected mayor? he to that point answered, that he knew not where they were, and it being presently then proved before him that they were in his house and at his commaund, he then answered as formerly to Mr. Toakefield, that he stood doubtful of his lawful deposinge, and that upon the lord deputie's coming to town they use and are accustomed to deliver upp unto his lordshipp both their ensignes and keyes, but at no other governor's commaund whatsoever; and being then by his lordshipp required to make answere to his other severall contempts in not appearing, being so often sent for and commaunded, and in not attending the mayor as he was required, he thereto was in a manner silent, and coulde make no reasonable answere at all in justification or defence of himself: upon all which matters his lordshipp and the rest of the councill then assisting him having duely considered, and found all and whatsoever past has proceeded out of a most obstinate and wilful mind of his, and altogether IN CONTEMPT OF THE STATE AND AUTHORITIE OF THE TABLE

THERE, they have therefore proceeded with him, and for his said willful misdemeanor and contempts have imposed uppon him *for a fyne* THE SOME OF FIVE HUNDRED POUNDS sterling, *with a* FURTHER CENSURE OF IMPRISONMENT DURING HIS MAJESTIE'S PLEASURE.

19th die Dec. 1606. { Dominicke Roche, of the
city of Corke, merchant, having received several mandates in his majestie's owne name, requiring his conformity and personal repayre every Sunday and other holydayes to his parish church to hear devine service according to his majestie's lawes and injunctions of this kingdom, hee most wilfully and disobediently contempned and disobeyed from time to time so to doe; for which his said contempts he being convented before the councell table, and there not hable any way to excuse or justifie himself, but yet still persisting in his obstinate wilfulness, hee was therefore, by the lord president and such of the councell as then assisted him, fined *in the some of a hundred pounds* sterling, the one halfe to be bestowed to godly uses, and the other to his majestie's coffers, with a further censure of imprisonment during his majestie's pleasure; and warrant was thereupon from the said lord president and councell directed to the clerke of the fynes to levie the said fyne of the goods and chattels of the said Dominicke Roche accordingly.

John Brenaugh, alderman.	}	Similar proceedings, fine, and imprisonment, &c.
David Meaghe, sheriff.		
David Tirrye Fitz Stephens.		

Concluding with an account “ of the goods and chattels” of each individual *sold to pay the fines thus imposed*. There is afterwards a recital of similar proceedings against the *corporations of Galway, Drogheda, &c. &c.*

No. XIII.

LETTERS FROM KING JAMES THE FIRST AS TO THE
CUSTOMS OF IRELAND.

[*From the British Museum MSS. No. 4784.*]

JAMES R.

RIGHT trusty and wellbeloved, wee greete you well. Wee have found soe good benefitt arise to us by the farming out of our customes and impositions upon merchandises heere in these our realmes of England and Scotland, as well in advancing our rents thereby as in the certaintie of payment of them, as wee have thought it convenient to make tryall of the encreasing of our revenues by the like meanes in that our kingdome of Ireland; wherein, because it is impossible for us or our counsell to fall into any such certayne course as heere we have done untill wee be satisfied in many particularities which doe occurre to our consideration, and whereof wee cannot be cleared in our judgement but by grounds to be had from you and other of our counsell there, and such other our officers

of that realme as may give us any light therein, wee have thought good first in general to signifie to you our purpose in that matter, and to advertize you in particular of severall poynts which have come into consideration heere, which you shall see expressed in the end of our letter, and whereunto we desire to receive from you as ample and distinct aunswares as by your travell and dilligence, and by the mynistry of our inferiour officers, may be procured. Wherefore we require you to make prooffe unto us of your accustomed industrie and dilligence in our service by taking a due examination of all poynts conteyned in these memorialls, and making us as perfect and cleare aunswares to them as may be hadd, to the end that by such informations as by them wee shall receive wee may the better guide our judgement in the resolution of that which wee shall determyne to doe therein. To which memorialls wee doe not soe tie you as that you should looke to none other circumstances or consideration then is in them conteyned, but, besides these grounds, further our purpose with whatsoever in your owne judgement shall be thought meete to be done there for the advaancement of it, or to be advertised hither to us of your opinion of the best course for us to take to settle the same to our most advantage. And because our meaning is not to cast the burthen upon you alone, upon whom the weight of all other our affayres doeth lye, wee thincke fitt you should call to your assistance our treasurer at warrs, our cheefe justice, our chancellour, and cheefe barron of our exchequer, or Secretarie Fenton,

or any other of our counsell whom you shall thinke to have best judgement in such a matter, and acquaint them with these our letters and memorials inclosed; and soe, by common advise amongst you, to proceede to as speedy an execution thereof as you can devise. And for that it is a matter of which wee take espetiall care, wee have appointed this bearer to goe expressly with these our letters, and to attend you and sollicite your proceeding therein. And where in the second article of the first memoriall heere underwritten there is mention of an accompt to be sent hither of seven yeeres' proffitts of our customes, our meaning is that you shall choose the sayd seven yeeres of the best yeeres of accompte, when the realme hath beene soe many yeeres together in peace at any tyme since the beginning of the raigne of the late queene, our syster: and these our letters shall be your sufficient warraunte and dischargē in this behalfe.

Memoriall for the proceedings in the matter of customes. To cause all persons whom it may concerne to make their personall appearance at places and tymes to be conveniently appointed, and to bringe with them *their charters, graunts, and evidences whatsoever, whereby they clayme or challenge* any tittle, right, or privelege to receive or take any summes of money for any custome, imposition, or levie upon any goods or wares brought into his majestie's realme of Ireland or carried out, or any parte or parcell of any such goodes or wares, or any exemptions, freedomes, or immunities from payment of customes or dueties thereunto belonging; and *the same charters, graunts,*

and evidences to shewe and deliver upp to the lord deputie and counsell, or such other person or persons as they shall aucthorise and appoynt, to be viewed and perused.

All officers serving his majestie in any such place to bringe with them a true and just accompt what yearely rent hath beene made to his majestie and the late queene by the customes of Ireland clearely, all chardges and fees deducted for seven yeares, by which a true and just computation of the medium may easily be made. To take order that all the graunts and charters aforesayd with all convenient speed may be coppied out, and the true coppies thereof, together with the sayd accompte of his majestie's office for seven yeeres last past, be sent to his highnesse privy counsell of England to be further considered of. To examine the parties aforesayd which eyther hold any such graunte or execute any office about customes, or any other persones whome they shall think good, who can give any helpe or furtherance to this busines, as well concerning the graunts, *and their unlawfulness, inconveniency, and hinderance to his majestie*, or the contraries, as the persons themselves, their right, title, and clayme pretended, as also the enormities and abuses committed in the execution and handling them. The aunsweares to all which articles to be likewise sent, together with the foresayd coppies and accompts.

Articles to be considered of touching the graunts of priviledges for customes. What *words are of absolute necessitie to make them good in lawe*, and what *omissions*

make them weake and voyde, likewise for mistakes and misrecitalls. What circumstances in the passing, in-rolling, confirming, or such like, are necessarie, whether all have beene done accordingly, when, where, and by whome. In the causes alleadged for such graunts, whether they were truly alleadged at the tyme of the graunte, and whether true in such sort and manner as was then alleadged; whether such cause contynue still or cease, and whether there be not now greater cause to the contraries. If any conditions be for rents, services, or such like; whether they have beene duely and absolutely performed, and whether due prooffe thereof can be made, and the continuall acquittances and dischargdes shewed. If such benefitt were graunted to any use or imployment, whether the use continue or cease; whether the commodity raysed were wholly employed to the right use, and in such manner and sorte as is prescribed, and how that can be manifested and proved; whether at any tyme those charters have beene intermitted and not executed, upon what occasions, when, and how long; and during such intermission or vacation what other course was taken, what benefitt made, by whome, and to whose use. Whether any grievance at any tyme heretofore have beene founde or complaynte made against any of these graunts or the parties executing them, by whome, what, when, and for what causes. What summes of moneyes or dueties have beene claymed, demaunded, and taken by vertue, pretence, or colour of any graunte; what of townesmen and freemen, and what of straungers and forrayners, and what difference, and who

have beene acquitted and dischargd of all or any parte of such payments and dueties, and wherefore. What particuler orders, courses, and proceedings have beene heretofore and now are observed and kept in the ordering and mannaging such businesses. Note that many English there, and like enough some Irish *whom the townesmen* molest much and exact upon exceedingly, will be ready to complayne and informe of abuses offered them, and of sundry wrongs and oppressions susteyned in these causes. What manner persons or *corporations* they are that now holde or heretofore have had these graunts, and who and what they are that doe and have executed the same; whether *fitt men of worth, desert, and honestie, and sound-hearted to the state, or base, lewed, variable, or such as have formerly beene in rebellion, or may* JUSTLY BE SUSPECTED AND FEARED STILL. Whether these graunts have beene alwayes quietly and peaceably enjoyed, or whether in suite or question; if soe, when, wherefore, and by whome, and how such suite or controversie was ordered, compounded, and ended. Given under our signett, at our Pallace of Westminster, the tenth day of Februarie, in the fourth yeere of our raigne of England, Fraunce, and Ireland, and of Scotland the fortieth.

No. XIV.

LETTERS OF KING JAMES THE FIRST AS TO THE
CORPORATIONS OF IRELAND.

To our very good Lord Sir Arthur Chichester,
Knight, Lord Deputy of the realm of Ireland,
and to the rest of the council there.

JAMES R.

AFTER our very hearty commendations to your lordship and the rest, we have of late received from you the *copies of divers charters*, granted by sundry kings and queens of England, his majesty's progenitors, unto *several cities and towns in the kingdom of Ireland*, together with certain suits of *quo warranto* and *pleadings thereupon concerning the customs*, all of which his majesty's learned council in England, having by special commandments advisedly perused and duly considered, have given us to understand, that in their opinions the privileges of such towns as have already pleaded *are not only insufficient in law, but their grants also of no validity to give unto them the subsidy of tunnage and poundage which they claim by the same*, and for those *other towns which have not yet pleaded*, the charters upon which it seemeth their claims must be founded will not serve to give the subsidy of tunnage and poundage unto them, so that appeareth unto us that none of them have any ground either to free themselves from paying unto his majesty the said subsidy

of tunnage and poundage due by themselves, nor to enable them to take the same from strangers to their own use; in regard whereof, they having for many years taken the same as their own, it would not be amiss they be made known they *are in arrearages to his majesty in great sums of money*, which if he should with severity exact as he may, must be very heavy and burthensome upon them; nevertheless, because his majesty hath a meaning to deal graciously with them, and so would have them made to understand, his majesty is pleased that you should summon them together to come before you, and then to let them know the weakness of their pretensions and claims, with this further offer, in case *they would yield themselves from henceforward to pay subsidies of tunnage and poundage*, and refrain the receiving of the customs of strangers, that his majesty will be pleased *to remit and pardon all the past concerning the same, which gracious offer if they shall wilfully contemn and only stand hazard and trial of the law, it shall then be fit for them to advise themselves how easy it will be unto them, when his majesty shall be against his will constrained to make use of that which law and justice will afford him.* Lastly, because we hear that it hath been spread abroad that his majesty means to bestow the benefit of the customs in that kingdome on some of his great servants or subjects, we have thought good to let you know, that although his majesty is to give no account to any what he doth with his own, yet that is far from his intention to grant the benefit of that which shall arise by the customs of a whole kingdom, though his

majesty hath been moved by persons of great and meaner quality to look into the wrongful detention of that which is due; and therefore we pray you use your best means to make the same known, not only because you shall speak the truth, but because they who shall be willing to yield conformity, may not suspect that they shall be left in the power of any subject, but only depend upon his majesty's own pleasure, nor to be otherwise used than is fit for merchants in their honest trade. In which when it is settled it shall be fit for you to take care that his majesty's officers be neither so remiss as to suffer him to be defrauded, nor so severe as to use any oppression to his people. And where we understand that the suit upon the quo warrantos is presently prosecuted by his majesty's attorney there against these towns, we think expedient stay be made thereof until you shall see the effect and event of these our letters, that upon your certificate thereof some further direction may be given from hence, and not less expedient that you should advisedly consider of a certain privilege called Trinity Guilde, which we are told these towns pretend to their own prejudice; and so for this time we commit you to God. From the court at Whitehall, the 14th of November 1607.

Your Lordship's, &c. ever loving friends,

ELLESMERE CANC.	THOS. DORSETT.	NOTTINGHAM.
SUFFOLK.	WORCESTER.	NORTHAMPTON.
SALISBURY.	JULIUS CÆSAR.	

No. XV.

LETTER OF KING JAMES THE FIRST FOR A NEW GRANT
OF CHARTERS TO THE ANCIENT CORPORATIONS OF
IRELAND.

JAMES R.

RIGHT trustie and well beloved, wee greet you well. Whereas divers of *the citties and townes* in that kingdome, *namelie, the citties of Dublin, Waterford, Corke, towne of Drogheda, Gallway, Wexford, Newrosse, Youghell, Kinsale, Knockfergus,* by direction from us latelie sent over their agents hither to receive a finall settlement of the customes due unto us in their several ports, according to the opinion of our [] by certificat of our judges and counsells learned in that behalfe, the several cases between us and them were soe reserved as that the said agents rested satisfied; and thereupon they have preffered sundrie petitions, wherein they humblie sought our favour in many poyntes, amongst which one was that they might reserve their charters of corporation, *with confirmation of their antient liberties and addition of reasonable franchises,* which, in regard wee found them *conformable in the matter of the customes,* wee have thought fit to grant unto them; these are therefore to require and authorize, and hereby to give you warrant, with the advise of our attorney generall of that kingdome, whoe hath been made acquainted with their petitions and the answeares thereunto, or in his absence with the advise of some other of our learned counsell to passe unto the said citties and porte townes, and to

such other inland townes as beyng decayed by the late warres, and doe or shall desire to bee newlie incorporated and indowed with reasonable liberties, such newe charters, with a confirmation of their ancient privileges, and an enlargement of such other reasonable franchises as shall be thought convenient unto you, with the advice aforesaid. Provided that speciall care bee taken that our interest in the great and petty customes, and in the subsidies of poundage and tonnage, bee preserved unto us, and saved and reserved out of every of their said charters, &c. And these our lettres shall bee, as well unto you our deputie and chancellour there now beyng, as to any other deputy, justice, or cheife governor, chancellor, or keeper of the greate seale of our said realme that hereafter for the tyme shall bee, and to all other our officers and ministers there to whom it may appertayne, sufficient warrant and discharge in this behalf. Given under our signet, att our pallace of Westminster, the third day of Marche, in the sixth yeare of our reigne of England, France, and Ireland, and Scotland the two and fforteth.

To our right trustie and well beloved Sir Arthur Chichester, knight, lord deputy of our realme of Ireland, and to our chancellor, there now beyng; and to any other deputie, justice, or cheife governor, chancellor, or keeper of the greate seale of our said realme that hereafter for the time shall bee; and to all other our officers and ministers there to whome it may apperteyne.

Irr' undecimo die Marcij 1609.

P' mandat' d'ni deputati Hib'nie.

No. XVI.

FROM AN ANCIENT TRANSLATED COPY OF THE CHARTER OF NEW ROSS, COMMUNICATED TO THE AUTHOR.

JAMES, by the grace of God, of England, Scotland, France, and Ireland, King, Defender of the Faith, &c. to all to whom these our present letters shall come, greeting: Know ye, that we, having considered that the town of Rosspont, otherwise New Ross, is an antient borough, situate within our county of Wexford in a very fit and convenient place to render aid and comfort to our faithful and liege dwelling in those parts from time to time against the malice of our rebels and enemies whomsoever; and that the burgesses and inhabitants of the borough aforesaid, after a great many good, laudable, and acceptable services at divers times heretofore made and rendered to us and our progenitors by them and their ancestors, now, by reason of the destructive plague in the same place now raging, also by reason of the constant assaults of the late rebels and enemies of our predecessors, which the same burgesses and inhabitants boldly and manfully withstood and resisted from time to time, are wearied and reduced to great want, and the borough is greatly laid waste and depopulated: And therefore, we being willing to refresh the same burgesses and inhabitants in the fountain of our favour and grace, and them anew to incorporate by the name of the

Sovereign and Free Burgesses of the Town or Borough of Rosspont, otherwise New Ross, and to follow them with grace and favour, that they may as well in wealth as in multitude of inhabitants grow again, be restored, and increased, for our service and the public good of the whole country round about : Of our special grace, certain knowledge, and mere motion, with the assent and consent of our well beloved and faithful counsellor, Sir Arthur Chichester, knight, and deputy-general of our said kingdom of Ireland, and according to the intent and effect of our certain letters with our proper hand signed, and under our signet, dated at our palace at Westminster, the 13th day of June, in the seventh year of our reign of England, France, and Ireland, and of Scotland the forty-second, and now in the Rolls of our Chancery of our said kingdom of Ireland enrolled ; also, at the humble petition of Richard Archdeacon, esquire, of the same town : Have given and granted, and by these presents, for us, our heirs and successors, do give and grant to the sovereign, burgesses, and community of the said town and borough of New Ross, otherwise Rosspont, and to the settlers and inhabitants of the borough aforesaid, or by whatsoever other name or names they be named, called, or known, and to their successors, and by these presents, for us, our heirs and successors, we will, ordain, constitute, and declare, that all and singular THE FREE BURGESSES OF THE BOROUGH AFORESAID MAY AND HEREAFTER SHALL *be for ever one body corporate, and one perpetual community in thing and name, by the name of* SOVEREIGN AND FREE BURGESSES OF

New Ross; and that hereafter there may and shall be within the borough aforesaid, and franchises and liberties of the same, one of the more honest and discreet burgesses of the borough aforesaid, in form underneath in these presents mentioned, chosen from time to time, who shall and will be named *the sovereign* of the town or borough of New Ross aforesaid; and the same sovereign and free burgesses, by the name of sovereign and free burgesses of New Ross, a new body corporate and politick in thing, deed, and name, really and fully, for us, our heirs and successors, we erect, make, ordain, constitute, and declare by these presents, and that by the same name they may have perpetual succession; and that they and their successors, by the name of sovereign and free burgesses, may and shall be for ever in future times persons fit and capable in the law to hold and possess lordships, manors, castles, lands, tenements, liberties, privileges, immunities, pre-eminences, jurisdictions, franchises, and hereditaments whatsoever, of whatsoever kind, nature, or species they may be, to them and their successors, in fee and perpetuity, or for a term or terms of years, or life or lives, and also to have and possess goods and chattels, and whatsoever other things, of whatsoever kind, nature, or species, to the only use and profit of the aforesaid town and borough and the aforesaid sovereign and free burgesses and their successors for ever; and also such manors, castles, lands, tenements, liberties, immunities, pre-eminences, jurisdictions, franchises, and hereditaments to any other or any others to give,

grant, confirm, or demise, at their will, in fee simple or fee tail, or for term of life or years, or for term of years, or otherwise howsoever, and whensoever and after what manner soever it shall please them, from time to time, at their will and pleasure, and to do and execute all and singular other deeds and things by the name aforesaid; and that they may and can, by the same name of sovereign and free burgesses of New Ross, plead and be impleaded, answer and be answered, defend and be defended, before us, our heirs and successors, and in whatsoever courts, place and places, and before whatsoever as well ecclesiastical as secular judges, or justices, commissioners, or other persons, and officers of us, and of our heirs and successors, and others whomsoever, for ever, in and of all and singular complaints, suits, pleas, causes, matters, and demands whatsoever, of whatsoever kind, nature, or species they may be, in the same manner and form as other bodies politick, or others our lieges of our kingdom of England and of our kingdom of Ireland, persons fit and capable in the law, may and can plead and be impleaded, answer and be answered, defend and be defended, and have, receive, possess, give, grant, and confirm, and demise from time to time at their will: And that the aforesaid sovereign and free burgesses of New Ross aforesaid, and their successors, may and can have one common seal to serve for executing their deeds, causes, and affairs, and of their successors, and one other seal of the office of sovereign of the said town or borough of New Ross, to be and remain in the custody of the

sovereign of the aforesaid town or borough, and their successors for the time being, to seal all and every testimonials, certificates, attachments, and processes whatsoever, and to seal all other things which belong to that office; and that it shall and may be lawful for the aforesaid sovereign and free burgesses of the aforesaid town or borough, and their successors, those seals, or either of them, at their will, from time to time to break or thereof to dispose, and others or other at their will to have and make new; and in the same manner it may be done of the aforesaid seal or seals so newly to be made or had from time to time, as often, when, and as it shall seem better to be done. And further, of our more abundant special grace, certain knowledge, and mere motion, for us, our heirs and successors, we do give and grant to the aforesaid sovereign and free burgesses of New Ross aforesaid, and their successors, that all and singular the castles, manors, towns, hamlets, lands, meadows, feedings, pastures, mountains, woods and underwoods, moors, soil, rivulets, waters, watercourses, and all and singular other tenements and hereditaments whatsoever, within the space of one mile beyond the antient limits and bounds of the franchises of the said town or borough of New Ross on every side in a circuit to be extended in the county of Wexford as much, except the castle, town, and lands of Mountgarrett, hereafter may and shall be, and so hereafter in future times shall be accepted and known as and as part, parcel, and member of the same borough of New Ross aforesaid, and within the liberties and franchises of the

same hereafter shall be and remain for ever ; and that the aforesaid borough or town of New Ross, and all the aforesaid castles, manors, towns, hamlets, lands, meadows, pastures, woods and underwoods, moors, soil, rivulets, waters and water-courses, and all and singular other tenements and hereditaments whatsoever within the aforesaid borough or burgage, liberties, metes, or franchises of the same, or any of them, and all and singular the aforesaid lordships, castles, manors, towns, hamlets, lands, meadows, pastures, woods, underwoods, moors, soil, rivulets, waters, watercourses, and all and singular other tenements and hereditaments whatsoever, within the aforesaid space of one mile beyond the antient limits and bounds of the franchises of the said town and borough of New Ross, from every part in a circuit to be extended in the said county of Wexford only so much, as well in the crosses and glebes as without, hereafter for ever may and shall be united and incorporated, and hereafter for ever at future times may and shall be one entire free borough, and be called, named, and known as the borough and town of New Ross ; and all those one free borough we erect, constitute, make, and create by these presents : and that all and singular the inhabitants, tenants, and other residents whomsoever, in or within the aforesaid borough or town, or within the aforesaid lordships, castles, manors, towns, hamlets, lands, meadows, pastures, woods, underwoods, moors, soil, rivulets, waters, watercourses, burgages, liberties, metes, and franchises, or within any part of the same, or any of them, of whatsoever

state, faculty, condition, degree, or calling they be, hereafter for ever shall continue and remain under the laws, ordinances, and constitution of the borough aforesaid, and under the rule and direction of the sovereign and free burgesses of the borough aforesaid, in such and the like manner and form, to all intents and purposes, as the inhabitants and residents and tenants of the same antient borough now are and hereafter shall or ought to be, and not under the rule of any other or any others. And moreover, of our more abundant special grace, certain knowledge, and mere motion, for us, our heirs and successors, by these presents we give and grant to the aforesaid sovereign and free burgesses of New Ross aforesaid, and their successors for ever, and to their proper use and benefit for ever, all, of all kinds, and singular lordships, manors, towns, hamlets, messuages, cottages, tofts, mills, dove-houses, gardens, warrens, lands, woods, underwoods, moors, fisheries, fishings, waters, watercourses, returns, advowsons, knights' fees, farms, tenures, fee farms, free customs, customs, franchises, liberties, jurisdictions, privileges, immunities, acquittances, profits, emoluments, grants, donations, tenelements, and other hereditaments whatsoever, which any or some of our progenitors or predecessors, kings heretofore, by their several letters patent, or by the letters patent of any of them, which, by the several letters patent of lord King Richard the Second and lord King Edward the Sixth, or by any other letters patent of our aforesaid progenitors or predecessors, or by the letters patent of any of them mentioned, is or are to

be, or to have been, to the same burgesses or inhabitants, or sovereign, governor, bailiffs, and community, or any or some of them, granted or confirmed by whatsoever name or names of incorporation; and the said several letters patent, and all and singular privileges, emoluments, franchises, liberties, customs, immunities, acquittances, articles, clauses, matters, grants, donations, tenements, and other hereditaments whatsoever, in the charters or letters patent aforesaid, or in any of them contained, or in any act or acts of parliament, statute or statutes, ordinance or ordinances, decree or decrees, or in any other record or records in these our letters patent recited or mentioned, or not recited or not mentioned, to the burgesses or inhabitants of the said borough of New Ross aforesaid, otherwise Rosspont, by whatsoever name or names of incorporation, at any time or times enacted, made, granted, or ordained, within the kingdom of England, or within the kingdom or dominion of Ireland; saving, and from this our grant to us, our heirs and successors, reserved, the subsidy and poundage, viz. the payment of twelve pence out of the pound for all merchandises imported or exported into or out of our said kingdom of Ireland. And that the sovereign and free burgesses of New Ross aforesaid, also the inhabitants and all other freemen of the same town or borough of New Ross, and their successors, from time to time for ever, and every of them who shall be admitted and elected to this by the aforesaid or by their successors, or by the major part of the same, of whom the sovereign of the borough aforesaid for the

time being we will to be one, may have, enjoy, hold, and exercise all and singular, so many, such, so much, the same kind, and the like privileges, liberties, immunities, franchises, acquittances, and grants, in and through the entire town or borough of New Ross aforesaid, by these our letters patent limited, constituted, made, and created, and in and through all the liberties, franchises, limits, and bounds of the same, and elsewhere wheresoever beyond the borough aforesaid, as well by sea as by land, as many as, such as, how great, and which the sovereign, burgesses, and community of the said antient borough, or the inhabitants of the same, or any of them, by whatsoever name or names of incorporation, or otherwise, heretofore at any time, by virtue or colour of any grant or grants of any of our progenitors or predecessors, kings of England, or kings or lords of Ireland, or from the grant and grants of any of them, or by virtue or by reason of any lawful custom, use, or prescription, had enjoyed or exercised, notwithstanding any statute, act, ordinance, or restriction to the contrary thereof had or made; and though the aforesaid sovereign, burgesses and community, or the aforesaid inhabitants of the aforesaid antient borough or town of New Ross, otherwise Rosspont, by whatsoever other name or names they are deemed or known, the aforesaid privileges, liberties, immunities, franchises, acquittances, donations, grants, and emoluments, in any case arising hitherto, have not fully used, or abused, or forfeited, they nevertheless the aforesaid sovereign and free burgesses and their successors, also the inhabitants

and freemen of New Ross aforesaid and their successors, who to this shall be admitted by the aforesaid sovereign and free burgesses of New Ross aforesaid or their successors, or by the major part of them, of whom the sovereign for the time being we will to be one, hereafter for ever, the same privileges, liberties, franchises, immunities, acquittances, jurisdictions, grants, donations, and free customs, not being totally used, or abused, or forfeited, or not abused, or not forfeited, may fully enjoy and use without the hindrance or impediment of us, our heirs and successors, or any of our lieutenants, deputies, governors, justices, or any other our heirs or successors, or any our lieutenants, deputies, governors, justices, or any other our officers whomsoever; any interruption, act, statute, or ordinance, at any time heretofore had or made, notwithstanding. And further we will, and by these presents, for us, our heirs and successors, by these presents grant to the aforesaid sovereign and free burgesses of New Ross aforesaid and their successors, that they may have and constitute from time to time for ever at their good will, by their letters patent sealed with their common seal, one fit and discreet man of the freemen of the borough aforesaid, skilled in the law, in the form in these presents expressed, to be chosen and nominated, who will and shall be called the Recorder of the borough or town aforesaid of New Ross, otherwise Rosspont, to have, exercise, and occupy the office aforesaid by himself, or his sufficient deputy or deputies, for term of life or years, or at the will of them the sovereign and free burgesses afore-

said, or their successors, as it shall seem to them more expedient ; and that none other to exercise that office within the borough aforesaid in any manner may intrude himself : And further we have assigned, constituted and made, and by these presents, and further, for us, our heirs and successors, do assign, *constitute, and make our beloved Nicholas Dormer*, esquire, to be, and shall be the first and modern recorder of the borough aforesaid, to be continued in the same office during the good will of the aforesaid sovereign and free burgesses of New Ross aforesaid, and their successors, to do all and whatsoever to the office of recorder within the borough belongs; and that the same Nicholas Dormer, before he shall proceed to the execution of the office aforesaid, shall take the corporal oath before the sovereign and chief burgesses of the borough aforesaid well and faithfully to execute all things touching that office ; and that after the death or removal of the aforesaid Nicholas, the sovereign and free burgesses aforesaid, and their successors for the time being, or the major part of them, (of whom the sovereign of the borough or town aforesaid for the time being we will to be one,) may and can chuse, nominate, and appoint one honest and discreet man, skilled in the laws, of the freemen of the borough aforesaid, from time to time, so often as it shall seem meet to them, as recorder of the borough aforesaid, [and that he or they who] so as aforesaid, after the death or removal of the aforesaid Nicholas Dormer, shall be elected, appointed, and nominated from time to time, may and can have, exercise, and enjoy that office by himself, or by his suffi-

cient deputy or their sufficient deputies, the corporal oath for well and truly executing the office aforesaid first being taken (as aforesaid) by him or them to be elected and chosen to have, occupy, and exercise that office at the good will of the sovereign and free burgesses aforesaid, and their successors, according to the tenor of the grant or grants by them thereof to be made. And further we will, and of our special grace, certain knowledge, and mere motion, by these presents, for us, our heirs and successors, grant to the aforesaid sovereign and free burgesses of New Ross aforesaid, and their successors, that they or the major part of them (of whom the sovereign for the time being we will to be one) yearly, in any place within the borough aforesaid, when and as often as it shall seem more expedient to them, at their pleasure, without our licence, of our heirs or successors, may constitute and elect of themselves, or of the other freemen of the borough aforesaid, two discreet men to be and who shall be hereafter our Bailiffs, of our heirs and successors, of and in the borough aforesaid and liberties of the same, and two others to be and shall be hereafter our Coroners, of our heirs and successors, of and in the borough aforesaid and liberties of the same, and two others to be and shall be hereafter officers called Say masters of and in the borough aforesaid, to serve in the aforesaid several offices respectively as long as to the same sovereign and free burgesses of New Ross aforesaid, or their successors, or the major part of them (as aforesaid), it shall seem more expedient. And that the same sovereign and free bur-

gesses of the borough aforesaid, or the major part of them, (of whom the sovereign of the borough aforesaid we will to be one,) may have power and authority at their will and pleasure, from time to time for ever, of nominating, electing, appointing, and having of the aforesaid freemen of the borough aforesaid all and singular subordinate officers and servants who shall be seen to them necessary for the good public order and government of the said borough, and for executing their affairs; and that the same sovereign and free burgesses, or the major part of them (as aforesaid), may and can the same officers and servants and every of them from their offices remove, and elect, constitute, and have others anew to serve from time to time for ever (as aforesaid :) Which truly recorder, bailiffs, coroners, and the aforesaid other officers and servants so to be chosen, we, for us, our heirs and successors, establish, constitute, and approve in the several offices respectively, and have and shall ratify and approve for ever, and that every the aforesaid officer, before he may be admitted to exercise his office, shall take the corporal oath of well and faithfully exercising his office, before the sovereign of the borough aforesaid for the time being, within the borough aforesaid, and that yet still to be taken elsewhere as within the borough aforesaid, or before any other or others as before the sovereign of the borough for the time being, by no means may be held or compelled; and that after the oath aforesaid so taken, every the aforesaid officer, all and singular which to his office aforesaid respectively belongs or shall appertain to be

done, may and can exercise and do from time to time for ever, in such ample manner and form as such kind of officer and officers within our city of Dublin, or our city of Waterford, in our said kingdom of Ireland, uses or use, may or can exercise and do; and that no other such our officer or officers, of our heirs or successors, within the borough aforesaid of New Ross, or within the franchises of the same, to do any thing which to the office or offices aforesaid belongs or appertains, or shall belong or appertain, may in any manner intrude himself, unless they touch us, our heirs and successors. And further, of our more abundant special grace, certain knowledge, and mere motion, we will, and by these presents, for us, our heirs and successors, grant to the aforesaid sovereign and free burgesses of New Ross aforesaid, and their successors, that they may have and hold one court of record in the borough aforesaid every week, at their will for ever, in the Tholsel of the borough aforesaid, or in any other place within the borough aforesaid; and that they may and can have and hold that court two days in every week, viz. Tuesday and Friday, without the impediment of us, our heirs or successors, our lieutenant, justices, deputies, escheator, sheriffs, seneschals, bailiffs, or other servants whomsoever, of us, our heirs or successors, as often as there shall be occasion or shall be seen necessary to them, before the sovereign and recorder of the borough aforesaid, and their successors for the time being, or their sufficient deputy or deputies; and that in the same court they may hold, by plaint in the same court to be

levied, all and singular pleas, actions, suits, plaints and demands, real and personal, and mixt, as well of all and singular the lands, tenements, and hereditaments within the aforesaid borough, or within the metes, franchises, or liberties of the borough aforesaid being, as of all and every kind of debt to whatsoever sum or sums they may or shall amount, and of all and singular and all kinds of transgressions, detentions, debts, accounts, conventions, deceptions, contracts, ejectment of farms, causes, matters and demands whatsoever, within the aforesaid borough of New Ross or franchises of the same arising or happening to be heard, examined, discussed and determined; and that that court be of record; and that the aforesaid sovereign and recorder of the borough aforesaid, and their successors respectively, may and shall have full power and authority by themselves or by their sufficient deputies, or any of them, of holding, hearing, examining, discussing, and determining all and singular and all kinds of pleas, and those plaints within the borough aforesaid, by our writ or writs, of us, our heirs or successors whatsoever, or by the bill or bills or plaints whatsoever, according to the due form of law, and proceeding to judgment in and upon the same, and to make or cause execution thereof to be made according to our law of our kingdom of Ireland as in other courts of record in other boroughs or towns, or in any city or cities within our same kingdom of Ireland, is used or can or ought to be. And that all plaints of assize, novel disseizin, and mort d'ancestre, and all and singular pleas, as well real as personal,

and mixt, in the same borough or franchises of the same, or within the metes, limits, or liberties of the same arising, may be held in the said borough in the court aforesaid before the aforesaid sovereign and recorder, or their sufficient deputy or deputies, and before their successors; and that of and in all the complaints, assize, and pleas aforesaid, before the aforesaid sovereign and recorder and their successors, or their deputies as aforesaid, arraigned or prosecuted to be arraigned, there be process by the magnum cape, parvum cape, summons, attachment, district capias, by any other process according to the laws of our kingdom of Ireland, as the case shall require. We have also given and granted, and of our special grace, certain knowledge, and mere motion, for us, our heirs and successors, do grant and give licence to the aforesaid sovereign and free burgesses of New Ross aforesaid and their successors, that they and their successors from time to time for ever in future times hereafter, when it shall seem to them more expedient, *may obtain and receive manors, towns, lands, rents, tenements, and hereditaments whatsoever, with their appurtenances, to the yearly value of £40 sterling, beyond re-prizals and taxes whatsoever, or within, of whatsoever person or persons willing to grant, give or bequeath, assign or alienate the same to them, to have and to hold to them and their successors for the support and amendment of the borough aforesaid, and OF THE WALLS, OF THE QUAYS OF THE SAME, also OF THE PARISH CHURCH, SCHOOL, AND HOUSE OF THE POOR called THE HOSPITAL, in the borough aforesaid; and*

in the same manner and form ; and we give and grant licence to the same person and persons so willing to give, grant, assign or alienate the aforesaid manors, towns, lands, rents, tenements and hereditaments to the aforesaid sovereign and free burgesses or their successors to the yearly value aforesaid, or within, the statute “*de terris et tenementis ad manum mortuam non ponendis*” published, or any other statute, act, ordinance, or provision thereof to the contrary made, ordained, or provided, any thing notwithstanding. Unwilling that the aforesaid sovereign and free burgesses or their successors, or the aforesaid persons or said person, or their heirs, or any of them, by us, our heirs or successors, or by our justices, escheators, coroners, or other our bailiffs or servants, of our heirs or successors whomsoever, by reason of the premises, or any of them, should be molested, disquieted or grieved ; and this without fine or fee, great or small, in the Hanaper of our Chancery or elsewhere, to our use for the premises to be paid or made ; and without any inquisition or inquisitions thereof, by pretext or virtue of any of our grants, of our heirs or successors, or by virtue of any our writ, of our heirs or successors, of *ad quod dampnum* in our said chancery, of our heirs and successors, or elsewhere, to be returned ; and without any other our letters patents, of our heirs or successors, in this part to be had, committed, or prosecuted ; any statute, act, ordinance, provision, restriction, or mandate thereof, to the contrary thereof before these times made, or therefore that express mention of the true yearly value of the premises for

the present in no wise made is, or any other thing, cause, or matter whatsoever, in anything notwithstanding. And moreover, of our special grace, certain knowledge, and mere motion, we will, and by these presents, for us, our heirs and successors, we grant to the aforesaid sovereign and free burgesses of New Ross aforesaid and their successors, that the sovereign of the borough aforesaid and his successors for the time being, and the recorder of the borough aforesaid and his successors for the time being, for ever in future times may and shall be justices and keepers of our peace, of our heirs and successors, in and through the whole said county of Wexford; and that the aforesaid sovereign and recorder and their successors for ever may have such, same, and the like authority and power within the county of Wexford aforesaid to preserve our peace, of our heirs and successors, as other justices or keepers of our peace, of our heirs and successors, in this part, in the aforesaid county of Wexford have or shall have. And further, that the aforesaid sovereign of the borough aforesaid and his successors for the time being, and the aforesaid recorder of the same borough and his successors for the time being, also he of the chief burgesses of the borough or town aforesaid who next before the sovereign of the said borough for the time being had preceded in the office of sovereign of the aforesaid borough, from time to time may and shall be justices and keepers of our peace, of our heirs and successors; and them we make, ordain, and constitute, by these presents, justices and keepers of our peace, of our

heirs and successors, in and through the whole borough of New Ross, and within and through all and singular the franchises and liberties of the same, of whom the aforesaid sovereign and the aforesaid recorder for the time being always we will to be one; and that the same sovereign and recorder, and the aforesaid chief burgess, of whom the aforesaid sovereign and recorder for the time being we will to be one, may have for ever such, so great, and the like authority and power within and through the entire borough aforesaid, and through all and singular the franchises, liberties, and limits of the same, in all and singular which to the office, power, or authority, or jurisdiction of justices or keepers of our peace in any county or counties in our said kingdom of Ireland belong or appertain, so great and such as any other justice or keeper of the peace, or any other justices or keepers of our peace, of our heirs or successors, have or shall have in any county or counties in our said kingdom of Ireland; and that no other nor any other justices or justice, keeper or keepers of our peace, of our heirs or successors, unless the aforesaid sovereign or his deputy, or the aforesaid recorder, or the aforesaid chief burgess, intrude himself to do anything which to the office of justice or keeper of our peace, of our heirs or successors, appertains or belongs within the borough aforesaid or franchises of the same. And further, that the sovereign, recorder, and chief burgess aforesaid, who for the time shall be justices and keepers of the peace aforesaid, and every of them hereafter, may be admitted to exercise that office respectively, shall

take the corporal oath, within the borough aforesaid, before the chief burgesses of the borough aforesaid who shall be of the council of the borough aforesaid for the time being, or before the major part of them, well and faithfully to execute all and singular which to that office appertain or belong. And besides, for us, our heirs and successors, we give and grant to the aforesaid sovereign and free burgesses of New Ross aforesaid and their successors, that all and singular all kinds of ships, skiffs, small crafts, and other vessels whatsoever, which hereafter shall enter or go into the great port or haven between Ruddibank in our county of Waterford, and Rindoaryn in our county of Wexford, in our said kingdom of Ireland, freely and without impediment whatsoever may apply at the port or quay of New Ross aforesaid, if the proprietors, merchants, or masters of said ships choose rather to apply at the said port or quay of Ross than at the port or quay of Waterford. And that all ships, sloops, or vessels, which shall apply within the franchises or liberties of the said town of New Ross be charged and discharged, and unloaded, at the quay of the aforesaid town of New Ross, from time to time for ever, of all and singular wares, commodities, merchandises, goods and chattels, and things whatsoever, without contradiction, and without our impediment, of our heirs and successors, or of any others; and that the aforesaid sovereign and free burgesses of New Ross aforesaid, and all and singular the free inhabitants of the borough or town aforesaid who shall be admitted to this by the aforesaid sovereign and free

burgesses, or the major part of them, of whom the sovereign of the aforesaid town for the time being we will to be one, and all and singular other persons whatsoever who or which are, or hereafter shall be, free of the town or borough aforesaid, or who shall have licence thereof from the sovereign of the borough aforesaid for the time being, from time to time hereafter, as long as they shall and will continue, may and can and shall and will be free from time to time. And that all and singular other persons, although they be not free, may and can from time to time, by licence of the sovereign of the borough aforesaid for the time being, charge and discharge, load and unload, as well inward as outward, all and singular commodities, wares, and merchandises, goods and chattels, and things whatsoever or whichsoever, into whatsoever ship, sloop, skiff, or other vessel, or into whatsoever ships, skiffs, sloops, or vessels, or from whatsoever ship or ships, skiff or skiffs, vessel or vessels, which hereafter from time to time shall apply within the said franchises of the said town of New Ross aforesaid; and the same commodities, wares, merchandises, goods and chattels, and other things, transfer and transport whithersoever they please; and the same commodities, wares, merchandises, and goods and chattels, or other whatsoever, carry back and discharge wheresoever they please, at their will and pleasure, without our impediment, of our heirs or successors, or any our servants or officers, or others whomsoever, by paying to us, our heirs and successors, the custom and subsidy to us due and of right accustomed. We

also will, and by these presents, for us, our heirs and successors, we grant to the aforesaid sovereign and free burgesses of the town aforesaid and their successors for ever, that they, or the major part of them, of *whom the sovereign for the time being we will to be one, may and can, at their will, from time to time as often as it will seem expedient to them, according to their discretion, without our licence, of our heirs or successors, to choose and admit so many and such of the inhabitants and residents of the borough or franchises of the same, also all and singular other persons whatsoever and from wheresoever, as well aliens as natives, so many, such, and the like, and whom or which they please, whether they be merchants or others, of whatsoever degree, state, or condition, from time to time for ever to be and hereafter to be freemen of and in the borough or town of New Ross aforesaid; so that such inhabitants and residents, also all and singular other persons which so shall be elected or admitted, may and can use free commerce, and their functions, arts, mysteries, trades, and traffics respectively, in the borough aforesaid, and through all the franchises and liberties of the same; also use and enjoy all and singular privileges, immunities, pre-eminences, acquittances, liberties, and free customs of the borough aforesaid, or of the aforesaid sovereign and free burgesses, within or without the aforesaid borough, as well by sea as by land, which to them by these presents are granted or confirmed, according to the manner and form to which the same inhabitants and residents, also the aforesaid other persons, as well aliens as natives, shall be admitted to this by the aforesaid*

sovereign and free burgesses from time to time for ever. And further, we will, and by these presents, for us, our heirs and successors, grant, firmly enjoin, and command, that every sovereign elected or to be chosen in the said town of New Ross for the time being may give, take, and receive the oath or sacrament of the sovereign in the said town or borough of old used and accustomed, before the sovereign of the said town or borough who had been advanced in that office the preceding year, in presence of the free burgesses of the same town or borough, or the major part of the same, in the tholsel or toltsill of the town or borough of New Ross aforesaid. And further, of our more abundant grace, certain knowledge, and mere motion, for us, our heirs and successors, we give and grant by these presents to the aforesaid sovereign and free burgesses of New Ross aforesaid and their successors, that they and their successors, and all and singular the inhabitants of the borough aforesaid, also all and singular the freemen of the same borough who now are or hereafter shall be, before our lieutenants, justices, judges, and commissioners, of our heirs or successors, may and can use this our charter by way of confirmation or by way of new grant of all and singular the lordships, manors, castles, towns, tenements, hereditaments, privileges, franchises, free customs, liberties, and donations, in these our letters granted or confirmed, from time to time and as often as they please and have all occasion of the same, as to them shall seem more expedient, or as confirmation of all or any before granted by any of our predecessors

or progenitors, or as our new grant. And that these our letters patent, and all and singular gifts, grants, donations, articles, clauses, sentences, and words whatsoever in the same contained or specified, be good, valid, firm, sufficient, and effectual in the law, and so shall be accepted, taken, and interpreted, in whatsoever our courts, of our heirs and our successors, kindly and more graciously and to the favour of the aforesaid sovereign and free burgesses and their successors, and especially to their advantage and utility, most strongly, strictly, and amply against us, our heirs and successors; notwithstanding that our writ of *ad quod damnum* did not issue to inquire of the premises or any of them before the making of these our letters patent; and notwithstanding any grant, omission, or defect of words, or any misprision, or any statute, act, ordinance, resumption, provision, restriction, proclamation, or mandate heretofore made, published, ordained, or provided. We also will, &c. without fine in the Hanaper, &c. any statute, &c. In witness whereof we have caused these our letters to be made patent: witness our aforesaid deputy-general of our said kingdom of Ireland, at Dublin, the third day of February, in the ninth year of our reign of England, France, and Ireland, and forty-second of Scotland.

No. XVII.

TRANSLATION FROM ENROLMENT IN CHANCERY OF
THE CHARTER TO THE TOWN OF WEXFORD BY
JAMES THE FIRST.

JAMES, by the grace of God, of England, Scotland, France, and Ireland, King, Defender of the Faith, &c. to all to whom these our present letters may come, greeting: Know ye that we, of our special grace, certain knowledge, and mere motion, with the assent of our beloved and faithful counsellor Arthur Chichester, knight, our deputy general of our said kingdom of Ireland, and according to the tenor and effect of our certain letters with our proper hand signed and under our proper signet, dated at Westminster the 3rd of March, in the year of our reign of England, France, and Ireland the 6th, and of Scotland the 42nd, to our aforesaid deputy directed, and now in the rolls of our chancery of our said kingdom of Ireland enrolled; also at the humble petition of the superior bailiffs and burgesses of our town of Wexford: We have given and granted, and by these presents, for us, our heirs and successors, do give and grant to the superior bailiffs and burgesses of our town or borough of Wexford aforesaid, or by whatever other name the dwellers or inhabitants of the said town or borough aforesaid may be called or known, that the aforesaid town or borough of Wexford aforesaid, to-

gether with the suburbs of the same, and the whole extent or space of land and water within the ancient limits or bounds of the franchises of the said town or borough, in the county of Wexford, may be hereafter for ever a free borough corporate by itself, and hereafter for ever shall be called and named by the name of the Town or Free Borough of Wexford; and that within the said town or borough one body incorporate and politic in deed and name shall be created and made of the dwellers or inhabitants of same town or borough, consisting of *one mayor, two bailiffs, free burgesses, and commonalty*; and that there shall be ONLY TWENTY-FOUR FREE BURGESSES in said village or borough, of whom the mayor and bailiffs for the time being shall be three. And with the intention that hereafter it may appear that the aforesaid body so incorporated now from the beginning is founded and composed of worthy and honest persons, of our special grace, certain knowledge, and mere motion, for us, our heirs and successors, by these presents, we make, *constitute, and ordain John Turner mayor of same town or borough of Wexford*, from the day of the date of these letters patent until the feast of St. Michael next coming; and also we make, constitute, and ordain by these presents *Walter Chever and William Talbot bailiffs of same town or borough* for the same time to the feast of St. Michael the archangel above mentioned; and *Patrick Furlong, Nicholas Synnot, Edward Turner, John Browne, John Whitty, Walter Talbot, Robert Talbot, Francis Brian, Roger Canton, James Stafford, David Hay, Richard*

Veale, William Waddinge, Nicholas Stafford, Leonard Boland, Patrick Turnor, Nicholas Devereux, Gasper Stafford, Marcus Chevers, James Turnor, and William Walshe, being the better and more discreet men of and in the town or borough aforesaid, we do make and constitute free burgesses of the town or borough aforesaid; which same twenty-one free burgesses, together with the mayor and bailiffs of same town or borough for the time being, shall *make the Common Council* of the said town or borough; and all other freemen dwelling, or hereafter dwelling, of, in, or within the said town or borough, we make, constitute, and ordain into the Commonalty of the said town or borough of Wexford. And also, of our more abundant grace special, and of our certain knowledge and mere motion, we do give, grant, and confirm to the aforesaid mayor, bailiffs, free burgesses, and commonalty of the said town or borough of Wexford, that they and their successors hereafter for ever may be one body politic and incorporate, in deed and name, and them the aforesaid mayor, bailiffs, free burgesses, and commonalty, and their successors, into one body incorporate and politic, for ever to last, fully we make, create, establish, and unite, by these presents; and that the aforesaid body so incorporated for ever shall be called and known by the name of the Mayor, Bailiffs, Free Burgesses, and Commonalty of the town or borough of Wexford; and that by the same name they and their successors for ever may be persons able and capable in law to make, contract, and receive all and every grant, donation, and purchase, as any other person natural

or body politic lawfully in any manner may be able ; and likewise that they and their successors, by the name of the mayor, bailiffs, free burgesses, and commonalty of the town or borough of Wexford aforesaid, may be able to plead or be impleaded, to answer or be answered, before us, our heirs and successors, and before the justices, commissioners, and judges of us, our heirs and successors, whatsoever, as well ecclesiastical as secular, in every court of us, our heirs and successors, erected or to be erected, in and of all actions real, personal, or mixt, suits, complaints, and demands whatsoever, against them or by them in any way to be prosecuted. And further, of our larger grace special, certain knowledge, and mere motion, we will, and by this our present charter, for us, our heirs and successors, we do grant to the aforesaid mayor, and bailiffs, and free burgesses, and commonalty of the said town or borough, and their successors, that the aforesaid mayor and bailiffs may be for ever, after the feast of St. Michael the archangel next coming, annual and elective ; and that the aforesaid free burgesses and commonalty, or the major part of them, every feast of St. Peter ad Vincula yearly, at the tholsell within the town or borough aforesaid, at their will and pleasure may elect, of the free burgesses of the same for the time being, one fit person as mayor, and two others fit persons as bailiffs of same town or borough, who the several offices aforesaid, on the feast of St. Michael the archangel then next following, on themselves may be able to take, and to govern and rule the town or borough aforesaid by the space of one year then next following, and that

as to the said mayor, bailiffs, free burgesses, and commonalty of the town or borough aforesaid for the time being shall seem meet; and that such officers and ministers so elected and constituted shall take, before the mayor of same town or borough for the time being, the several corporal oaths in the said town or borough heretofore used. And because the mayor of the said town or borough for the time being, as well for the public good of the same town or borough as for his own proper affairs, very often out of said town or borough necessarily will happen to be absent, we give therefore and by these presents we do grant to the aforesaid mayor, bailiffs, free burgesses, and commonalty of said town or borough, and their successors, that every mayor of said town or borough for the time being can and may be able at his pleasure, by assent of the common council of the said town or borough, or the major part of the same, to name, depute, and appoint one other sufficient and fit person of the free burgesses of the said town or borough to bear the place and turn of mayor of said town or borough during his absence, and to do and execute all things to the said office of mayor appertaining, in as ample manner and form as if the mayor was present; such person, however, so appointed and deputed, before the execution of his deputation aforesaid, before the mayor of the said town or borough for the time shall take the corporal oath by the mayor of said town or borough as is before mentioned to be taken. We will further, and by these presents, for us, our heirs and successors, we do grant to the said mayor, bailiffs, free

burgesses, and commonalty of the said town or borough of Wexford, and their successors, that they have and may be able to have for ever one common seal, engraven in such form and inscription as heretofore they used, for sealing all and singular the writings, evidences, deeds, grants, warrants of attorney, and other muniments, the hereditaments and other public affairs of the same town or borough touching or in any manner concerning; and one other seal or signet of the office of mayor, to be and remain in the custody of the same mayor for the time being, to seal all and every testimonials, certificates, attachments, and processes whatsoever. And moreover, of our special grace and certain knowledge and mere motion, with the assent aforesaid, and according to the intencion and effect of certain letters by our beloved counsellors of our privy council attending our person in our kingdom of England signed, bearing date the 19th day of January, in the year of our Lord 1608, to our said deputy directed, and on the rolls of our chancery of our said kingdom of Ireland enrolled, by which our said counsellors our pleasure signified on behalf of the said town or borough of Wexford; we do give, and by these presents, for us, our heirs and successors, we do grant to the said mayor, bailiffs, free burgesses, and commonalty of the same town or borough, and their successors for ever, that the mayor of the said town or borough for the time being may be a justice or keeper of the peace of us, our heirs and successors, within the town or borough aforesaid, and the franchises and liberties of same, and also within our said city of

Wexford; and that he may be able to do and execute all things to the office of justice or keeper of the peace belonging or appertaining. And further, of our like special grace, certain knowledge, and mere motion, with the assent aforesaid, and according to the intention of the said letters by our said counsellors as before-mentioned signed, by these presents, for us, our heirs and successors, we do give and grant to the aforesaid mayor, bailiffs, free burgesses, and commonalty of the said town or borough of Wexford, and their successors, that the mayor of the said town or borough for the time being, or his deputy in his absence, may be escheator, coroner, clerk, and master of the say, of us, our heirs and successors, within the said town and liberties and franchises of same for ever; and that he may exercise and execute, and be able to exercise and execute, all and every the things which to the same offices or any of them separately appertain or belong, or ought to appertain or belong, in as ample manner and form as any other coroner or escheator, clerk of the market or master of the say, in any city in the said kingdom of Ireland lawfully ought to do and execute; so that no other foreign escheator, coroner, clerk of the market, or master of the say, of us, our heirs or successors, but only the mayor of the town or borough aforesaid, or his deputy in his absence for the time being, in the said town or borough, to execute or exercise the same offices, or any of them to execute or exercise, shall enter, nor in any manner within the said town or borough of Wexford, the liberties, franchises, or jurisdictions, shall enter hereafter; and that the aforesaid

mayor, bailiffs, free burgesses, and commonalty of the same town or borough, and their successors for ever, may have, receive, and for the public good of the same town or borough in their hands retain, all and every the profits, commodities, perquisites, and emoluments whatsoever, to the aforesaid offices of coroner, escheator, clerk of the market, and master of the say, or to any of them, belonging or appertaining, or thereout in any manner arising or emerging, without account thereof to us, our heirs or successors, to be rendered. And further, of our more abundant special grace, certain knowledge, and mere motion, we have given and granted, and by these presents, for us, our heirs and successors, we do give and grant to the aforesaid mayor, bailiffs, free burgesses, and commonalty of the same town or borough, and their successors for ever, that the aforesaid bailiffs of the said town or borough for the time being, and their successors, may have absolute and immediate execution and return of all and singular writs, mandates, precepts, summonses, attachments, and distrains, and of all other processes of same, within said town or borough aforesaid and the franchises of the same, before us, our heirs or successors, in our said chancery, or before us in our chief place, or before our justices of our common bench, or any other justices of us, our heirs or successors, or in the exchequer of us, our heirs or successors, of our said kingdom of Ireland, to be returned, as well at the suit of us, our heirs or successors, as at the suit of any other whomsoever, prosecuted or to be prosecuted, or returned; so that no sheriff, or other bailiff, officer, or

minister of us, our heirs or successors, in the town or borough aforesaid to execute or return any such writ, summons, warrant, mandate, attachment, or any other process shall enter, unless in default of the same bailiffs of the said town or borough for the time being, or their successors. Moreover, we give, and of our further grace special, certain knowledge, and mere motion, with the assent aforesaid, for us, our heirs and successors, we do grant by these presents to the aforesaid mayor, bailiffs, free burgesses, and commonalty of the said town or borough of Wexford, and their successors, that the aforesaid mayor of the town or borough aforesaid, and his successors mayors for ever, may be able to call and congregate assemblies, or "comitia," at several times of the year, as often as he please, in the tholsell of the same town or borough, for the utility, benefit, advantage, and profit of said town or borough, and the liberties and franchises of same, to consult; and then and there such acts, ordinances, and statutes, lawful and wholesome for the public good and sound government of the said town or borough, and the franchises of same, lawfully and with impunity can and may be able to make, ordain, constitute, and establish, such as and which may not be contrary or repugnant to our laws and statutes of this our kingdom of Ireland. And further, of our more ample grace special, certain knowledge, and mere motion, we will, and by these presents, for us, our heirs and successors, we do grant to the aforesaid mayor, bailiffs, free burgesses, and commonalty of the town or borough aforesaid, and their successors for

ever, that they and their successors for ever may have and may be able to have within the said town or borough, the liberties and franchises of same, a guild of merchants, with all and singular the liberties and free customs whatsoever to the same or such guild in any manner belonging or appertaining; and that no one who may not be of that guild, any merchandises within the said town or borough, or franchises of same, shall make or procure, shall sell or cause to be sold, unless at the pleasure of the mayor, bailiffs, free burgesses, and commonalty of the same town or borough, and their successors for the time being: And that they may be able to divide themselves into different guilds or fraternities, according to their several conditions, arts, and mysteries; and every guild may have and use the several vestments and insignia as marks of their fraternity and mystery; and that every aforesaid guild may build and have one distinct hall or place within the borough or town aforesaid, where the brethren of such guild may be able to congregate; and that every guild or fraternity yearly for ever may be able to elect and constitute for itself one guardian or prefect, being one of the aforesaid fraternity, who the office of guardian for one entire year may exercise, and not more. And further, of our more ample grace special, and certain knowledge, and mere motion, we do give, and by these presents, for us, our heirs and successors, grant to the aforesaid mayor, bailiffs, and free burgesses and commonalty of the same town or borough of Wexford, and their successors for ever, that the aforesaid mayor and bailiffs of the aforesaid

town or borough, and their successors for the time being, may have and hold, and be able to have and to hold, one court, in or within the said town or borough and franchises of same, every Monday from quindene to quindene, before the mayor and bailiffs of said town or borough for the time being, to be held for ever. And that in the same court they may have full power and jurisdiction to know, hear, and terminate all and every action, as well real as personal and mixt, suit, complaint, and demand, of all and every lands, tenements, debts, detentions, trespasses, accounts, agreements, deceipts, repledges, contracts, causes, and matters whatsoever, to whatever sums amounting, within the said town or borough, and franchises and liberties of the same, and not elsewhere, being, emerging, or happening; and that the aforesaid mayor and bailiffs of the said town or borough for the time being may have full power and authority of holding, hearing, and determining those pleas and complaints according to due form of law, and of proceeding to judgment thereon, and to do execution according to the laws and customs of our kingdom of England or Ireland. And further, we will, and by this our present charter, for us, our heirs and successors, we do grant to the aforesaid mayor, bailiffs, free burgesses, and commonalty of the said town or borough, and their successors, that they may build at their own cost, cause to be built, and have and be able to have, one strong and sufficient gaol or prison within the said town or borough, suburbs and franchises of same; and that

the bailiffs of the said town or borough, and their successors for the time being, for ever may have the custody of the same gaol or prison, and of all and singular prisoners in the same from time to time incarcerated or to be incarcerated. And further, we do give, and by these presents, for us, our heirs and successors, we do grant to the aforesaid mayor, bailiffs, free burgesses, and commonalty of the said town or borough of Wexford, and their successors, that they for ever may have and receive, and in their own possession retain, all and every fines, issues, forfeitures, and amercements in the court aforesaid, as often as and from time to time to be assessed or imposed, together with all other perquisites, profits, and commodities to the said court belonging or appertaining, in any manner thereout arising or issuing, for the better support and maintenance of the town or borough aforesaid, without account or any other thing thereupon to us, our heirs or successors, to be rendered, paid, or done. We will further, and of our more ample special grace, certain knowledge, and mere motion, with the assent aforesaid, according to the intention and effect of the said letters by our said counsellors as before mentioned signed, we do give, and by these presents, for us, our heirs and successors, we do grant to the said mayor, bailiffs, free burgesses, and commonalty of the said town or borough, and their successors for ever, that all boats, ships, and barks coming in or to the county of Wexford aforesaid hereafter may be discharged and unloaded at the town or borough of Wexford aforesaid, and not else-

where ; saving always, and to the superior provost and burgesses of the town of New Rosse, alias Rosse Ponte, and their successors, reserving, their ancient liberties, franchises, and privileges ; and that it be lawful to said provost and burgesses of said town of New Rosse, alias Rosse Ponte, all boats, ships, and barks of merchants, as well strangers as natives, thither coming and approaching, to discharge and unload there, any thing in these presents specified to the contrary in any manner notwithstanding. And further, of our like special grace, certain knowledge, and mere motion, according to the effect of the said letters by our said counsellors as before mentioned signed, we have given and granted, and by these presents, for us, our heirs and successors, we do grant and licence give to the said mayor, bailiffs, free burgesses, and commonalty of the said town or borough, and their successors, that they for ever may have and hold, and be able to have and hold, two several fairs in any convenient place within the borough or town aforesaid yearly for ever ; to wit, one fair on the feast of St. Peter the apostle, and lasting for the two other days next following, yearly to be held for ever ; and also another fair on the feast day of All Saints, and lasting for the two other days immediately following, yearly to be held for ever ; provided none of the said days happen to be the Lord's day ; in which case we will and grant that each fair so respectively happening may begin and be held on the Monday thence next following and for three days lasting, yearly to be held for ever : And also one free market in or at the town or borough

aforesaid every Wednesday weekly to be held; and also one other market there every Saturday weekly to be held; together with a court of pie poudre during the said markets and fairs there to be held; and with all and singular liberties and free customs, profits, commodities, advantages, and emoluments whatsoever, to such courts, fairs, and markets belonging or appertaining, or in any manner thereout issuing or emerging, without account, or any thing therefore to us, our heirs or successors, to be rendered, paid, or done; provided the fairs and markets aforesaid be not to the prejudice of the other neighbouring fairs and markets. And further, of our more ample grace special, certain knowledge, and mere motion, with the assent aforesaid, according to the tenor of the said letters by our said counsellors as before mentioned signed, we will, and by these presents, for us, our heirs and successors, we do grant to the aforesaid mayor, bailiffs, free burgesses, and commonalty of the said town or borough of Wexford, and their successors, that there may be one guild of the merchants of the staple in and within the said town or borough and the franchises of same, consisting of one mayor, two constables, and of such number of the merchants of the same town or borough as to the said mayor and constables of the guild of merchants of the staple aforesaid for the time being shall seem expedient; and therefore we will, and by this our present charter, for us, our heirs and successors, we do make, constitute, and ordain John Browne mayor of same guild of merchants of the staple of the said town or borough of Wexford, from the day of the date of these

our letters patent, to the feast of St. Michael the archangel next coming; and also by these presents we do make, constitute, and ordain Richard Stafford and Stephen Codd constables of the same guild of merchants of the staple of the said town or borough for the same time, to the feast of St. Michael the archangel above mentioned; and that for ever after said feast of St. Michael the archangel next coming, the mayor and constables of the same guild of merchants of the staple of the said town or borough be annual; and that thenceforth the mayor of same town or borough for the preceding year be for ever mayor of said guild of merchants of the staple for one year thence next following, and not more; and that the bailiffs of the same town or borough for the year preceding be for ever constables of the same guild of merchants of the staple of the town or borough of Wexford aforesaid for one year thence next following, and not more: And that the mayor and constables of same guild of merchants of the staple for the time being for ever may have full and absolute power and authority from time to time to take, and thereupon to certify, all and singular statutes and recognizances of the staple taken or to be taken in or within the town or borough aforesaid, and the franchises and liberties of same; saving always, and out of this our charter or grant altogether excepted and reserved, to the mayor, sheriffs, and citizens of our city of Waterford, and their successors for ever, all and singular their rights, jurisdictions, liberties, and privileges whatsoever, which now they have or use, or ought to have or

use, by reason of any charter or grant, or of any act of parliament, or of any lawful prescription, or in any other legal manner, right, or title, any thing in these presents to the contrary notwithstanding. And further, of our more ample special grace, certain knowledge, and mere motion, we give, and by these presents, for us, our heirs and successors, we do grant and confirm to the aforesaid mayor, bailiffs, free burgesses, and commonalty of the said town or borough, and their successors for ever, to the sole and proper use and behoof of the said mayor, bailiffs, free burgesses, and commonalty of the said town or borough of Wexford, and their successors for ever, all and singular castles, messuages, tofts, curtilages, gardens, wastes, foundations, lands, tenements, meadows, pastures, commons, escheats, and other hereditaments whatsoever, with the appurtenances, lying and being in or within the said town or borough of Wexford, and the franchises and liberties of same, with the appurtenances, to be held of us, our heirs and successors, as of our castle of Dublin, by burgage service, rendering thereout yearly to us, our heirs and successors, at the receipt of the exchequer of us, our heirs and successors, or at the hands of the vice treasurer or general receiver of us, our heirs and successors, for the time being, of our said kingdom of Ireland, £10 current money of Ireland, at the feasts of St. Michael the archangel and Easter, by equal portions yearly to be paid; and that the village and lands of Maudlenton and Killian, and others whatsoever, heretofore as part or parcel of said town or borough of Wexford, or with-

in the franchises or liberties of same had or used, being, for ever hereafter may be, shall be, may be had and reputed, within the liberties and franchises of the same town or borough of Wexford, and be wholly exempt and exonerated of and from all contributions, impositions, and charges of the county of Wexford for ever, as in times past they were exempt and exonerated: And that the aforesaid mayor, bailiffs, free burgesses, and commonalty of the same town or borough for the time being, by several metes, limits, and bounds can and may be able the commons of same town or borough to divide and distinguish into different quantities or enclosures, and the same so divided and distinguished with ditches and hedges to encompass, as to them may seem best. And further, of our special grace, certain knowledge, and mere motion, by these presents, for us, our heirs and successors, we do grant and licence give to the aforesaid mayor, bailiffs and free burgesses, and commonalty of the said town or borough of Wexford, and their successors, that they and their successors from time to time hereafter, when to them it seems expedient, lands, tenements, rents, and hereditaments, with their appurtenances, to the annual value of £40 amounting, and not more, beyond reprizals and charges whatsoever, of any person or persons, by one or several grant or grants may be able to acquire and receive, to have and to hold to them and their successors; and to the same person or persons we grant, that such lands, tenements, rents, hereditaments to the aforesaid mayor, bailiffs, free burgesses, and commonalty of said town or borough of

Wexford, and their successors, to give, grant, leave, assign, or alienate they can and may be able; the statute of lands and tenements not to be put in mortmain edited, or any other statute, act, ordinance, provision, or any other thing, cause, or matter whatsoever, to the contrary in any way notwithstanding. And further, of our more ample special grace, certain knowledge, and mere motion, by these presents, for us, our heirs and successors, we do confirm, approve, and ratify to the mayor, bailiffs, free burgesses, and commonalty of the said town or borough of Wexford, and their successors for ever, all and singular lands, rents, farms, tenures, fee-farms, customs, franchises, liberties, rights, jurisdictions, privileges, immunities, acquittances, profits, emoluments, free customs, grants, and donations whatsoever, as well by the most dear Queen Elizabeth, as by any others our progenitors or ancestors, by any charter or several charters or letters patent to the burgesses or inhabitants of the said town or borough, by whatsoever name or incorporation named, given or granted; also all and every other grants, donations, liberties, franchises, privileges, and other things whatsoever, expressed or specified and contained in any acts of parliament, statutes, ordinance or ordinances whatsoever; saving always, and out of this our charter or grant and confirmation to us, our heirs and successors, excepted and reserved, our small custom, to wit, the payment of 3*d.* out of each £1 of wares brought in or out by any strange merchant only to be paid; and also saving, to us, our heirs and successors, always reserved, the custom or subsidy of poundage, to wit, the

payment of 12*d.* of each £1 for all wares carried in and out to be paid ; and also except, and out of this our charter to us, our heirs and successors, always reserved, our great custom called the cocket, with the fees, perquisites, and profits to same custom belonging, within the town or borough aforesaid, port, franchises, or liberties of same, as well by sea as by land, arising or emerging; and always saving, and to us, our heirs and successors, always reserved, the free disposal or donation of the office and offices of customer, comptroller, and searcher within the town or borough aforesaid, and the port, liberties and franchises of the same; any thing in these presents to the contrary specified notwithstanding. We will also, and by these presents, for us, our heirs and successors, we do grant to the aforesaid mayor, bailiffs, free burgesses, and commonalty of the said town or borough, and their successors, that these our letters patent, or the enrolment of them, shall be in all things and for all things firm, valid, good, sufficient, and effectual in law towards us and against us, our heirs and successors, as well in all our courts as elsewhere within our kingdom of Ireland or elsewhere wheresoever, notwithstanding that our writ of "*ad quod damnum*" did not emanate to enquire of the premises, or of any of them, before the making of these our letters patent, or any other thing, cause, or matter whatsoever, to the contrary notwithstanding ; nevertheless that express mention of the true yearly value or of the certainty of the premises or of any of them, or of any other gifts or grants by us or by any of our progenitors to the same mayor,

bailiffs, free burgesses, and commonalty of the town or borough of Wexford aforesaid made heretofore, in these presents being not made, any statute, act, ordinance, or provision, or any other thing, cause, or matter whatsoever, to the contrary of the premises or of any of them made, in any way notwithstanding. In witness of which thing these our letters we have caused to be made patent: witness our aforesaid deputy general of our said kingdom of Ireland, the 3rd day of August, in the 7th year of our reign of England, France and Ireland, and the 43rd of Scotland.

No. XVIII.

LETTERS OF KING JAMES THE FIRST AS TO THE
CORPORATIONS OF IRELAND.

JAMES REX.

By the King.

Right trustie and well beloved, wee greet you well. Whereas you have heretofore, by our severall lettres to you directed, sundrie tymes receaved our full determination and order for the establishment of *our customes* of that our kingdome of Ireland in like as in our other kingdomes, the same beinge a right most justly belonging to our crowne; howsoever, for many years past, the same hath beene unjustlie concealed and deteyned from us and our progenitors. Nowe again, upon mature consideracion of the great and

contynuall chardges which out of the revenues of our kingdome of England we are inforced dayly to disburse for the mayntenance of that our kingdome of Ireland, for the good of our subjects in the same, we are drawn to respect and looke into all such means as may yield unto us any benefit for the advancement of our revenue, and in that number to reckon and accompt our customes as one of the principall, and as a matter of soe great waight and consequence as is nott fitt to be lightly passed over; and therefore wee have thought good once more to signifye our full resolucion therein by these our lettres, requiring you to take an especiall care to see the same effected and settled to our own proper use, as a matter properlie belonging unto our own person, and to use your accustomed care and wisdome therein for our best profit and advantage; in the doing whereof, albeit we will not by any prescript rules binde you onlie to the observacion of all instruccions sent you from hence, yet for your better help we have thought upon some fewe poynts, and have expressed them herein for your better ease, giving you libertie to add thereunto any other matter or thing which in your judgement shall be more convenient for our profit. And, first, our will and pleasure is, and we doe hereby require you to have regard unto the resolucion of the lord cheife baron and other the barons of our exchequer, and our learned counsell of our realme of England, and our attorney generall of Ireland, delivered unto us and our privie counsell of England, *upon sight, hearing, and arguing of the titles which the magistrats of the citties and townes of*

that kingdome pretended to the customes accrewing in their severall ports, and to put the same into execucion. To call in all charters and grants of customes forthwith which are defective, frustrate, or condicionall ; and to compound, as to you shall be thought fitt for our best advantage and profitt, for all such grants and leases of customes as cannott otherwise be revoked nor avoided. To proceed and persist in your course of sequestracion of the customes formerlie intended and begone, untill the same shall be brought to some good and orderlie forme of proceedinge. To call unto you those agents whom we have herewith sent to attend you for the dispatch of this business, and, taking their opinion, to nominate fitt persons to be appointed and authorized for the colleccions of our customs to our use, and in everie port of that our kingdome to setle and establish such and soe many of them as you shall thinke fitt. To put in execucion all those instruccions, orders, and bookes of rates formerlie sent unto you ; and then or in the mean time to treat with the magistrates of the citties of Dublin, Waterford, Galeway, and Droghedath for surrendering of their claymes which they pretend to the said customes ; and to shewe unto them that if they will submite themselves unto our pleasure in this behalfe, and from henceforth pay unto us the subsidie of twelve pence in the pound, wee are and will be pleased to remitt and release unto them all arrearge of customes by them wrongfullie received and deteyned from us, to suffer them to enjoy their antient priviledges, and to give unto them recompense for their said surrender as you shall think fitt ; but, on the other

side, if they shall refuse these our royall offer, and persist in their wilfullness, to let them know from us that wee shall bee forced then *to call upon them for the arrearages of customes, and to make question of the validitie of such other priviledges or charters as are very prejudicall to the libertie of comerce*; beside that wee shall alsoe be driven to sett some imposition upon such as may beare itt that are brought in or shipped forth of the said realme, thereby to make some equalitie betweene the customes of all the other ports and places of that kingdome one with annother, as it is now used in England; all which we doe by these our lettres require and pray you to see forthwith executed duely upon them iff they shall persist in their said refusal, together with whatsoever other course you shall thinke to bee convenient for our profit and good. And these our lettres shall be your sufficient warrant and discharge in this behalfe. Given under our signett, at our pallace of Westminster, the eighteenth day of March, in the eight yeare of our raigne of England, France and Ireland, and of Scotland the four and fortieth.

To our right trustie and well beloved Sir Arthur
Chichester, knight, deputy of our realme of
Ireland.

No. XIX.

REMONSTRANCES OF THE ANCIENT PEERS OF IRELAND
TO KING JAMES THE FIRST AGAINST HIS NEW CREA-
TION OF BOROUGHES, &c. 25TH NOV. 1612.

[*From Mr. Lodge's "DESIDERATA CURIOSA
HIBERNICA."*]

MOST RENOWNED AND DREAD SOVERAIGNE.

THE respective care of your highness's honour, with the obligation that our bounden duty requireth from us, doth not permitt that we, your nobility of this part of your majesty's realme of Ireland, commonly termed the English Pale, should suppress and be silent in ought which in the least measure might ymport the honour of your majesty's most royal person, the reputation of your happy government, or the good and quiet of your estates and countryes; and therefore are humbly bold to addresse these our submissive lynes to your highness, and so much the rather, till that of late years it hath been a duty specially required the nobility of this kingdom to advertise their princes, your majesty's most noble progenitors, of all matters tending to their service and to the utility of the commonwealth.

Your majesty's pleasure for calling a parliament in this kingdom hath been lately divulged, but the matters therein to be propounded not made known unto us and others of the nobility, we being notwithstanding of the grand councill of the realme, and may well

foreign kings and princes, the foulness (as they will term it) of such practizes, we humbly leave to your majesty's most sacred, high, and princely consideration. And so upon the knees of our loyal hearts do humbly pray that your highnesse will be graciously pleased not to give way to courses in the general opinion of your subjects here so hard and exorbitant as to erect towns and corporations of places consisting of some few poor and beggarly cottages, but that your highnesse will give direction that there be no more erected till time or traffick and commerce do make places in the remote and unsettled countries here fit to be incorporated; and that your majesty will benignly content yourself with the service of understanding men to come as knights of shires out of the chief countries to the parliament. And to th' end to remove from your subjects' hearts those fears and discontents, that your highnesse further will be graciously pleased to give order that the proceedings of this parliament may be with the same moderation and indifferency as your most royal predecessors have used in like cases heretofore; wherein, moreover, if your highnesse shall be pleased out of your gracious clemency to withdraw such laws as may tend to the forcing of your subjects' consciences here in matters concerning religion, you shall settle their minds in a most firm and faithful subjection.

The honour which your majesty in all your actions and proceedings hath hitherto so well maintained, the renown of your highnesse's transcendant understanding in matters of estate and government, and in particular

the exemplary president of your majesty's never-to-be-forgotten moderation in not descending to such extraordinary courses for effecting the union of both kingdoms so much desired, doth give us full hope and assurance that your highnesse will duely weigh and take in good worth these considerations by us layed downe, and most graciously grant this our humble submissive suit: in which hope we do, and will always remain,

Your Majesty's

most humble and dutiful subjects,

GORMANSTON.

ROB. TRIMBLETTSTOWN.

CHR. SLANE.

PAT. DUNSANY.

KILEEN.

MA. LOWTH.

Dublin, 25th Nov. 1612.

THE humble Petition of the Lords assembled this Parlement, whose names are subscribed.

To the Right Honourable the Lord Deputy.

Humbly making petition, that whereas of late, before the sitting of the parlement, your petitioners did prefer petition to the house complayning of divers great abuses in the proceedings to this parliament; as, the manifold false returns of sheriffs, *returning many for knights, citizens, and burgesses, to gyve voyce in the parliament, which were not duely elected, and leavyng out those that were duely chosen; likewise, the multiplicity of newe incorporacions, which said doe amount to about the number of fifty, being for the more part poore villages,*

whoe pretend to have voyce in this parliament, whereas there are of th' auncient borroughes throughout the kingdom warned or returned not above the number of thirty, som sheriffs alledging that they were directed by your lordship to return certaine burroughes and omitt others; alsoe, that such men are returned as elected for those newe borroughes, and for som of the auncient, whoe hath noe residencie in the places, yea, many of them that never knewe or sawe the places for which they are nominated; together with the drawing of forces to the cittie in soe peaceable a time, and the holding parliament within the Castel of Dublin enclosed with walls, gates, and guard, whereas by the lawes the same should be kept in an open place; of which corses your supplicants did doubt that som abuses and disorders would arise, and that ther would not be so faire a carriadg in this parliament as heretofore hath beene in other parliaments holden in the time of his majestie's most royall progenitors; according to which conceived doubt of your supplicants, the proceedings in the lower house th' other day, being the first sitting of this parliament, hath succeeded with great abuse and disorder, as is complayned of by the greatest number of the knights, cittizens, and burgesses returned to serve out of the shires, citties, and borroughes whereof the lower house of parliament heretofore did consist. Those that pretend to be elected for the newe corporacions, and others falsly returned for the old shires, citties, and borroughes, as is complayned of by the countrey in generall, making upp, as themselves alleadg, above the number of one hundred persons, did first refuse to

make knowen to those of the lower house returned and elected duly for the counties and auncient citties and borroughes how or by what meanes, charter, custom, or priviledg they did assume to gyve voyce in that place, or to examen them in any sorte whoe had or ought to have voyce in elections, and did in a confused and disorderly manner nominate Sir John Davies, knight, to be speaker of the parliament; and leaving the house afterwards, having joyned with som of the auntient counties, citties, and borroughes, falsly or truly returned, the residue remayning, being for the more part all, or at least the farr greater number, of those returned for the countyes, auntient citties, and borroughes, being quietly also settled in the house after their departure, and having duely elected Sir John Everard, knight, to be speaker of the lower house, and being quietly possessed of the chaire or place, the said persons which left the house returned, having weapons, (where most of th' others were in their gownes,) and upon their return violently and forcibly pulled the said Sir John Everard out of the chair or seate of the speaker, and put up the said Sir John Davies by force, and imprisoned afterwards for one whole howere the residue of the knights, cittizens, and burgesses returned for the counties, auntient citties, and burroughes, as they doe alledg. The premisses considered, and for that this manner of proceeding may breed a general distrust over all the kingdom (as your petitioners doe feare;) and for that, as it is conceived, that the commission granted to your honour for calling and proceeding in this parlia-

ment, which was read this said day, being the onely guide to be proceeded upon, doth limitt that your honour shold call to you the knights of the shires, citicens, and burgesses of the auntient citties and burroughes of this kingdom, and proceed with them according the accustomed maner in parliament used, without any authority in that commission to call or bring in any new corporations; and for that, as it seemeth, by his majestie's letter for erecting corporations, as your supplicants did understand the same uppon the reading, that his majestie's scope and intention in erecting them was to give those newe planted countyes voyce in parliament, which his highness supposed they had not before, and therefore wished that a convenient number of corporations shold be erected within his princely and just consideration, cannot be intended to extend soe farr as that theis new corporations (not being the thousand part of the kingdom, considering their quantity and quality,) shold mak lawes to bynd the rest of the subjects against their own will and consent; and to th' end to avoyde all obloquy, aspersion, or imputacion that may be cast (by thos that are not well affected) uppon his majestie and your lordship's government under him, it may please your honnour to advertize his majestie of the premises, and to licens some of your petitioners to go unto England to enforme his highness of the true state of thes things, and in the mean time to dispence with your petitioners' appearaunce or sitting in the parliament, they being loath to be actors or parties in the like proceedings, which may tend by all liklyhood to

the great prejudice of this his majestie's kingdom, and the great hurt of your supplicants themselves, their kindred, friends, and posterity ; and this granted, they shall pray, &c.

GORMANSTON.

THO. CAHYR.

MOUNTGARRETT.

JA. DE RUPE AND

KYLLYNE.

FERMOY.

D. BUTTEVANT.

RO. TRIMLESTON.

CHR. SLANE.

JA. DUNBOYNE.

DELVINE.

MA. LOUTH.

No. XX.

TRANSLATION OF THE CHARTER OF KING JAMES THE
FIRST, ERECTING AND CREATING A BOROUGH IN
DUNGANNON.

JAMES, by the grace of God, of England, Scotland, France, and Ireland, King, Defender of the Faith, &c. to whom these our present letters may come, greeting. Know ye, that we, as well at the humble request of the inhabitants of the village of Dungannon, in our county Tyrone, within the province of Ulster, in our said kingdom of Ireland, as to people and plant the northern parts in our said kingdom, now depopulated and wasted, according to the form of government in our said kingdom of England remarkably established,

and for the better advancement and perfection of the same new plantation of late there happily commenced; of our special grace, certain knowledge, and mere motion, with the assent of our beloved and faithful counsellor, Arthur Chichester, knight, our deputy general of the said kingdom of Ireland, also according to the intencion and effect of certain letters signed with our proper hand and under our signet, given at our palace of Hampton Court, the 26th day of September, in the year of our reign of England, France, and Ireland the 10th, and of Scotland the 46th, and now on the rolls of our chancery of our said kingdom of Ireland enrolled, we do establish, ordain, and declare by these presents, that the said village of Dungannon, and those three parcels of land commonly called or known by the names following, viz. Crosse, Droughe, and Terneskeile, within, near, or about the same village lying or being, and all and singular messuages, tofts, houses, edifices, cellars, curtilages, gardens, orchards, void places, lands, tenements, and hereditaments whatsoever lying or being in or within the said village, and the parcells or ballyboes of land either in or within the scite, circuit, ambit, or precinct of the same or of any of them, except the castle of Dungannon and the scite and precinct of the same, also except five hundred feet of land to same castle circumjacent from the very scite of same castle on each side to be measured, hereafter may be and for ever in future times shall be one entire and free borough of itself by the name of the Borough of Dungannon, and the borough of Dungannon hereafter it

shall be named and called ; and the same all into one entire and free borough in itself by the name of the borough of Dungannon we do erect, constitute, make, and ordain by these presents. And further, we will, ordain, and establish by these presents, that within the borough aforesaid *there be one body corporate and politic, consisting of one provost, twelve free burgesses, and of the commonalty* ; and that all the inhabitants within the aforesaid villages and lands aforesaid for ever hereafter may be and shall be by virtue of these presents one body corporate and politic in deed, fact, and name, by the name of the Provost, Free Burgesses, and Commonalty of the borough of Dungannon ; and all by the name of the provost, free burgesses, and commonalty of the borough of Dungannon aforesaid, one body corporate and politic, in deed, fact, and name, really and fully, for us, our heirs and successors, we do erect, make, ordain, and constitute by these presents ; and that by the same name they may have perpetual succession ; and that they *by the name of the provost, free burgesses, and commons of the borough of Dungannon, may be and shall be for ever in future times persons able and in law capable to hold, purchase, receive, and possess, lands, tenements, liberties, privileges, jurisdictions, franchises, and hereditaments whatsoever of any kind, nature, or species they may be, to themselves and their successors in fee and perpetuity, and also goods and chattels, and whatsoever other things of any kind, nature, or species they may be ; also to give, grant, demise, and assign lands, tenements, and hereditaments, goods and chattels, and all and*

singular other deeds and things to do and perform by the name aforesaid; and that by the name of the provost, free burgesses, and commons of the borough of Dungannon to plead and be impleaded, defend and be defended, they may be able before us, our heirs and successors, and before whatsoever justices and judges of us, our heirs and successors, and of others whomsoever, in any courts of us, our heirs and successors, and elsewhere wheresoever, of and in all and every kind of actions, suits, pleas, complaints, and demands whatsoever against them or by them in any manner to be prosecuted; and that THEY THE AFORESAID PROVOST AND FREE BURGESSES of the borough aforesaid, and their successors for ever, may have full power and authority *to elect, send, and return two discreet and useful men to serve and attend in any parliament in our said kingdom of Ireland* to be held; and that such men so elected, sent, and returned, full power and authority may have to treat and counsel upon the same matters and affairs as to them and others there shall be expounded or declared, and moreover their votes and suffrages freely shall give, and all other things whatsoever to do and execute, as fully and freely, which and as any other burgesses of any other ancient borough in our said kingdom of Ireland, or in our said kingdom of England, in the parliament there to do and execute are accustomed; wherefore we will, and by these presents, for us, our heirs and successors, we do give and grant to the aforesaid provost and free burgesses of the borough aforesaid and their successors, and also we

order, and firmly for us, our heirs and successors, we command all sheriffs, officers, and ministers of us, our heirs and successors, whatsoever, in our said county of Tirone for the time being, to whom any writ or writs of ours concerning the election of burgesses to parliament within our said county Tirone at any time should be directed, that every such sheriff, officer, or minister to whom any such writ or writs as before-mentioned should be directed, shall issue his writ to the provost and free burgesses of the said borough of Dungannon for the time being, for the election and return of the same two burgesses, according to the form and effect of the same writ or writs; and these our letters patent, or the enrolment of the same, shall be as well to the said provost and free burgesses of the said borough, and their successors, as to all and singular the sheriffs, officers, and ministers of us, our heirs and successors, whomsoever, sufficient warrant and discharge in this behalf: And with the same intention that it should appear in future times that this new incorporation is now first composed of good and honest men, we do *constitute and name John Meeke, gentleman, to be first and now provost* of said borough, to be continued in said office until the feast of St. Michael the archangel next after the date of these presents; and likewise do make, *constitute, and nominate Lodovic Price, gentleman, John Cornwall, Joseph Rogers, Jenkin Griffith, Richard Whitehead, James Browne, Patrick Harmon, George O'Mullan, Laurence Tallon, George Garnon, Arthur Worth, and Thomas Jones, to be the first and present twelve free*

burgesses of the said borough, to be continued in the same office of free burgesses of the same borough during their several lives, unless in the mean time they should badly conduct themselves, or for any reasonable cause should be removed from said office; and all the inhabitants of the said village, and so many and such men as the said provost and free burgesses of same borough for the time being should admit into the liberty of said borough, we will, constitute, and ordain to be of the commonalty of said borough; and further, we will that the aforesaid John Meeke, whom by these presents provost of said borough we have made, shall come before the most reverend father in Christ, Henry Archbishop of Armagh, primate and metropolitan of all Ireland, and in due manner shall take *as well the oath commonly called the oath of supremacy as his corporal oath the office of provost of the borough aforesaid* well and faithfully to execute until the feast of St. Michael the archangel then next as is before said; and that the provost of said borough aforesaid be annual and elective; and so we will, and by these presents, for us, our heirs and successors, we grant to the aforesaid provost, free burgesses, and commonalty of the borough aforesaid, and their successors, that the aforesaid provost and free burgesses of said borough for the time being for ever yearly on the feast of the nativity of St. John the Baptist may be able to assemble in any convenient place within said borough, and that the said provost and free burgesses of the borough aforesaid so assembled, or the major part of them, before they depart, may there

elect one of the more discreet free burgesses aforesaid, to exercise said office of provost of the borough for one year from the feast of St. Michael the archangel then next following, and until one other of the burgesses of same borough to that office shall be elected and sworn; and that every provost so elected, before he be admitted to execute said office or be provost, shall take as well said *oath commonly called the oath of supremacy* as his corporal oath the office of provost of the borough aforesaid well and faithfully to exercise, on the feast of St. Michael the archangel next after such election, before the said Arthur Chichester, knight, and his heirs, being of the full age of 21 years at least, if he the same Arthur Chichester or his heirs aforesaid be then present in the said village, or in his absence before the provost of the said borough who in the same office in the year before had preceded; and we grant full power and authority to every such last predecessor of any provost of said borough for the time being the said oaths of every such provost lately elected to receive. And moreover, of our like special grace, certain knowledge, and mere motion, we will, and by these presents, for us, our heirs and successors, we grant to the aforesaid free burgesses and commonalty of said borough and their successors, that if and as often as it shall happen that the provost of said borough for the time being, within one year after being elected and sworn as before mentioned to the office of provost of said borough, should die, or if said office in any manner should be vacant, that then and so often the free burgesses and commonalty of said borough and their successors another

fit person out of the said number of free burgesses as provost of said borough, for the remainder of the same year to govern and rule said borough, within fifteen days next after such vacancy may be able to elect; and that every such person and persons into the office of provost of said borough so as before mentioned elected, the office of provost of said borough may be able to execute until the feast of St. Michael the archangel next following after such election, the said oath called *the oath of supremacy*, and also the said oath for due execution of the office of provost of said borough as before mentioned, first to be taken. And further, of our special grace, certain knowledge, and mere motion, we will, and by these presents, for us, our heirs and successors, we grant to the aforesaid provost, free burgesses, and commonalty of the said borough, and their successors, that if any of said free burgesses of said borough as before mentioned in these presents, or any of the free burgesses of same borough hereafter to be elected, should die, or be amoved from said office, (which same free burgesses and every of them, or any of them not conducting himself or themselves well in the same office, we wish to be removeable at the pleasure of the provost and major part of the free burgesses of same borough for the time being,) that then the provost and rest of the free burgesses of said borough for the time being, within seven days next after the death or removal of such free burgess, may be able to assemble in any convenient place within the said borough; and that the said provost and free burgesses so assembled, or the major part of them, before they depart, one or so

many as they want of the said number of twelve free burgesses, out of the better and more honest inhabitants of the said borough, in the place or places of the same free burgess or free burgesses so dead or removed from office, may be able to elect, to continue in the same office during his or their natural life or lives, unless in the mean time for bad government or for bad conduct in that behalf he or they shall be removed; and that every person so into the office of free burgess of the said borough elected, *before he be admitted to execute that office, his corporal* oath to well and truly exercise the office of free burgess, within seven days next after such election, before the provost of the said borough for the time being, or before such remaining free burgesses of said borough then surviving and in office remaining, or the greater part of them, shall take; to which same provost for the time being, or to which same free burgesses or the major part of them for the time being, full power and authority of every such free burgess newly elected aforesaid to receive the oath we give and grant by these presents, and so as often as the case may happen. And further, of our special grace, certain knowledge, and mere motion, we will and by these presents, for us, our heirs and successors, we grant to the said provost, free burgesses, and commonalty of the said borough, and their successors, that they and their successors for ever may have and hold, and to have and hold may be able, *one court in any convenient and fit place* within the borough aforesaid, to be held before the provost of the same borough for the time being; and in the same court *to hold pleas every Friday,*

from week to week, of all and singular actions, debts, agreements, trespasses, detinues, contracts, and demands personal whatsoever, not exceeding the sum of five marks sterling, happening or arising in or within the said borough of Dungannon or the liberties of same ; and that the same court may be reputed and had as a court of record for ever. We will also, and of our further special grace, certain knowledge, and mere motion, by these presents, for us, our heirs and successors, we grant to the said provost, free burgesses, and commonalty of the borough aforesaid, and their successors for ever, that they and their successors, from time to time as often as to them may seem fit, shall congregate and assemble in any convenient place within their borough aforesaid, and in their assembly there make, establish, and ordain such acts, ordinances, and statutes, in English called bye laws, for the good ruling and safe government of said borough and of the inhabitants of same, as to them or the major part of them shall seem necessary ; and that they may have power and authority, by fines and mulcts of money, to punish, chastise, and correct any persons offending against such acts, ordinances, and statutes, whilst only the said acts, ordinances, statutes, fines, and mulcts may be reasonable, and not contrary or repugnant to the laws and statutes of this our kingdom of Ireland. And further we will, and by these presents, for us, our heirs and successors, we grant to the aforesaid provost, free burgesses, and commonalty of said borough, and their successors for ever, that they may have a guild of merchants within the borough aforesaid, and one common seal, of such form and graven device as may seem meet to them-

selves, for serving the business of said borough for ever; and that they may be able for ever, from time to time as often as there is necessity, from among themselves to elect, constitute, and ordain two serjeants at mace, and other inferior officers and necessary ministers, for the better government of the said borough and of the inhabitants of same; and every person so from time to time elected, constituted, and ordained, we make, constitute, and ordain to be serjeants at mace and other officers and ministers of same borough respectively, and in their offices to continue during their good behaviour, or at pleasure or will of said provost, free burgesses, and commonalty of the borough aforesaid; and that every of such serjeants, officers, and ministers, as soon as admitted to said office, shall take before the provost of same borough for the time being his corporal oath of well and faithfully discharging his duties. And further, of our similar special grace, certain knowledge, and mere motion, we will, and for us, our heirs and successors, we give and grant to the aforesaid provost, free burgesses, and commonalty of the said borough, and their successors for ever, that the provost of the said borough for the time being for ever be clerk of the market within the borough aforesaid and the liberties of same, and from time to time shall have full power and authority to do and execute all and singular to the office of clerk of the markets within the said borough appertaining or belonging, so that no other clerk of the market of us, our heirs and successors, the said borough or franchises of the same may enter to do or execute the office of clerk of the market, or any thing to said

office belonging or appertaining, nor in any way the office of clerk of the market within the borough aforesaid or the liberties of same touching, in any manner shall enter. And further, of our ample special grace, certain knowledge, and mere motion, we grant to the said provost, free burgesses, and commonalty of said borough, and their successors for ever, that these our letters patent, and every article and clause therein contained, or the enrolment of same, be construed and interpreted for the greatest advantage, benefit, and favour of the said provost, free burgesses, and commonalty of the borough aforesaid, and their successors, against us, our heirs and successors, as well in all our courts as elsewhere, within our kingdom of Ireland as elsewhere wheresoever, without any confirmation, licence, or toleration hereafter to be procured or obtained; notwithstanding that our writ of ad quod dampnum did not emanate to enquire of the premises before the making of these our letters patent, and notwithstanding any other defect, or any other thing, cause, or matter whatsoever to the contrary notwithstanding. We will, &c. Without fine, &c. Nevertheless, &c. Any statute, &c. In witness of which thing these our letters we have caused to be made patent. Witness the aforesaid deputy general of our kingdom of Ireland, at Dublin, the 27th day of November, in the year of our reign of England, France, and Ireland the 10th, and of Scotland the 46th.

By virtue of letters of the lord the king,
sent from England, and signed with his
own hand.

No, XXI.

EXTRACT FROM REPORT MADE BY ARTHUR LORD
CHICHESTER, LORD DEPUTY OF IRELAND, AND
OTHERS, PURSUANT TO THE KING'S COMMISSION,
DATED 27TH AUGUST 1613.

[*From Mr. Lodge's "DESIDERATA CURIOSA HIBERNICA," vol. 1. p. 350, as enrolled in the Chancery, Dublin.*]

"Imprimis, by several certificates received from the lords archbishops and bishops, the justices of assize and of the peace, and other magistrates and officers, and examination of some other persons in this kingdom, it appeareth that the laws in force for the maintenance and advancement of God's true religion are in a very few places put in due execution, in regard that *in the counties and corporate towns with great difficulty is to be found any jury that will present recusants, themselves being for the most part delinquents in the same kind*; and where at any time they have presented, they themselves have been by their priests excommunicated, and so others terrified by their example; and *in the city of Waterford, which is a county within itself, and where there are very few either of the magistrates or of the people that are not obstinate recusants*, such are their late renewed charters and privileges as; the justices having no authority to hold their assizes there, religion cannot be executed."

EXTRACT FROM LETTER DATED 21ST JULY 1616,
SIGNED AND SENT BY THE CHANCELLOR OF ENGLAND,
LORD ARUNDELL, AND OTHER THE LORDS
OF THE COUNCIL THERE, INTO IRELAND, &c.

[*From Report of the King's Commissioners, No. 4756,
British Museum.*]

"His Majesty, finding by experience that neither admonicion nor moderate correccion doth worke the ends which he aimeth at, is pleased that some lawfull proceedings be now had *to overthrow the charters of one or two principall citties or towns*, by scire facias, quo warranto, or otherwise, as his majesty did prescribe in his instruccion under his hand and signett to you the lord Chichester about two years since; of which townes the first which we wish were proceeded withal are Limerick and Kilkenny; but forasmuch as this course of scire facias, *quo warranto*, &c. *will require a time* before it can effect a full forfeiture of their liberties, wee think it very requisite that the *magistrates, and the electors of recusant magistrates*, be GENERALLY PROCEEDED AGAINST ROUNDLY (*as his majesty hath formerly prescribed*) BY FINE AND IMPRISONMENT!! which being as much as wee shall need to say at this time for your directions, wee doe leave the execution now to your care and direction."

[*From the Rolls of Star Chamber proceedings, Dublin.*]

TRINITY TERM 1622. "FYNES IMPOSED IN HIS MAJESTY'S HIGH COURT OF CASTLE CHAMBER, IN TRINITY TERME 1622, viz., Forasmuch as Thomas Power,

Nicholas Roe, and Walter Butler, gent., at the last general sessions holden for the county of Waterford, being with others impannelled of a grand jury, most wilfully refused to joyne with the rest of the jury to find recusants according to the evidence delivered unto them upon oath: for which contempt they, according to their several recognizances in that behalf, appearing in court and standing at the barre, the first day of July, in the year aforesaid, and not being able to yield any reason at all for their obstinate refusall, but onely that they could not find in their conscience to do it; the court therefore, on the day and in the year aforesaid, ordered, censured, and decreed, that the said Thomas Power, Nicholas Roe, and Walter Butler, by way of fine for their offence and contempts, should pay unto his majesty the some of £100 le peece; which some of £100 le peece, upon consideration afterwards had of that petition, the lords justices and councell, by an order under their hands bearing date the 13th day of July aforesaid, have reduced to £10 ster. per le peece, viz.

Thomas Power £10

Nicholas Roe £10

Walter Butler £10

Same Roll.

22 Nov. 1622. "Christopher White, one of the sheriffs of the city of Dublin, upon his confession to have taken upon him and to have executed his office as one of the sheriffs of the city of Dublin, *not having first taken the oath of supremacie and refusing to take it*, and being afterwards tendered unto him by the said

deputy and council; the said Christopher White was *censured* to pay unto his majesty by way of fine for his offence and *wilful presumption, according to the reduction* made by the lord deputy and council the aforesaid 22d Nov. 1622, the some of *three score and six pounds thirteen shillings and fourpence sterling !*"

There follow several similar proceedings.

No. XXII.

[*Copy from the Original in the State Paper Office,
London.*]

To the King's most excellent Majestie.

The humble petition of *the ancient natives*, inhabitants of the towne of Wexford, and of the heires, orphanes, and widowes of such of them as are dead,

HUMBLY SHEWETH,

THAT the petitioners *in the begining of the rebellion in Ireland held firme to their ancient loyalty*, and never acted any thing relating to the said troubles till they observed that some of his late majestie's shipping revolted against him; and finding their trade was interrupted by those in England that stood in opposition to his late majestie's authority, then and not sooner *did the said inhabitants begin to stand upon their defence*; and having fitted and armed some shipps for the sup-

port of their trade in the year 1643, the earle of Castlehaven and the lord viscount Taffe being sent by advice of the lord marquesse of Ormond, then your majestie's lord lieutenant of Ireland, to demand assistance of shipping from the petitioners for his late majestie's service, they having imparted the contents of their employment to the said inhabitants, they chearefully and freely agreed to supply the said lieutenant with the number of tenne shippes, and to have them in a readynes in fifteene days, and had not failed soe to doe but that the occasion was diverted; yet the petitioners' zeale and readynesse did sufficiently appeare if there were cause. And as the said *inhabitants have beene allwayes a people adhearing to the interest of the crowne and ancient English collonies continued there since the reigne of King Henry the Second*, soe did they on all occasions expresse their cheife loyalty in his majestie's service, and particularly in embracing the peace concluded by your majestie's authority 1648, as was manifested after in the time of greatest danger; for the late usurper, Oliver Cromwell, arriveing with a powerfull army in Ireland in the year 1649, and having upon the taking of Drogheda put all the inhabitants and souldiers to the sword, that the example thereof might strike a terror into the inhabitants of other townes which hee was soone after to besiege, hee writt to the petitioners, Wexford being his next designe, and courted them to submitt to his authoritie and to quitt the royal interest, and that they should enjoy all their possessions and fortunes, and be used as well as any others under his power; whose proposall

the petitioners did reject, and sent to the lord mar-
quesse of Ormond, then your majestie's lord lieutenant,
praying his lordship to take care of that place of con-
sequence, and to garrison it as hee should thinke fitt,
and that they were ready to expose their lives and
fortunes for the defence thereof against the said
usurper. The said lord lieutenant did garrison the
said towne accordingly, and sent thither an able and
resolute commander, Sir Edmond Butler, to whose
government and care the said inhabitants submitted
the whole towne and fortifications, with their lives
and fortunes. Yet soe it is, may it please your ma-
jestie, that after all the resistance they could make,
the said usurper, having a great army by sea and land
before the said towne, did, on the nynth of October
1649, soe powerfully assault them, that hee entred
the towne, and put man, woman, and child, to a very
few, to the sword, where among the rest the said
governor lost his life, and others of the souldiers and
inhabitants to the number of fifteen hundred persons;
and, besides, the whole stock and fortune of the in-
habitants, to an inestimable value, became pillage and
booty to the said usurper and his souldiers.

The petitioners therefore, in the *behalf* of *them-
selves who escaped the sword* of the said usurper,
and in the *behalf of the children, heires, and
widowes of those who soe sacrificed their lives* in
your majestie's service, doe most humbly be-
seech your majestie to be graciously pleased to
looke on them as deserved objects of your
favour and justice, soe farr as to give order for

their *restitution to their former habitations, possessions, and interests in the said towne and country*; and that the rather, that such of them as were capable to serve your majestie went first to Silly and Jerzey, then in your majestie's hands, and after followed your fortune into forraigne parts, still acting by your commission in all occasions relating to your service, and soe continued untill that after your majestie's happy restauration their commissions were called in, to which they readily submitted; and now to the number of thirty captaines of them are expecting your majestie's favour and justice for restoring their former possessions aforesaid, having noe other livelyhood or subsistance at present: which being granted,

They will ever pray, &c.

[*Copy from the Original in the State Paper Office, London.*]

A List of such of the Inhabitants of Wexford which were Captains at sea, Owners, and Adventurers in the Frigots employed in his Majestie's service from the several coasts of Britany and Biscay, since the yeare 1651.

Captain William O'Doran. Master Thomas Griffin.

Captain James Dillon. Master James Walsh.

Captain Nicholas Jordan. Master Bartholomew Dillon.

Captain Richard Dillon. Master Philip Dillon.

- Captain Christopher Turnor. Master Christopher Bath.
 Captain Francis Esmond. Master Francis Dowd.
 Captain Michael Kelly Master James French.
 (kild in the service.)
 Captain Nicholas French } Master Mark Furlong.
 Captain William Dake } John Keating.
 (dyed in the service.)
 Captain Ignatius Brett. James Keating.
 Captain Jasper Hurleston. Edward Keating.
 Captain Nicholas Hay. Barnaby Stafford
 (kild in the service.)
 Captain George Codd. Master Henry Dillon.
 Captain Peter Teling Master James Hyre.
 (kild in the service.)
 Captain Nicholas Moraugh. Master Leonard Bolan.
 Captain Robert Jordan. Master Francis Beling.
 Captain Patrick Dillon. Master James Dalton.
 Captain George Dowdall. Master John Farrel.
 Captain David Walsh. Philip Roch.
 Captain James Long. Richard Roch.
 Captain Peter Chivers. Mathew Roch.
 Captain Edward Sinnott. Arlonder More
 (kild in the service.)
 Captain Martin Brice. Patrick Kelly.
 Captain Hugh Kelly. James Esmond
 (dyed in the service.)
 Captain Harman Hendrik-son. Captain James Fitzgerald.
 Captain Christopher Dowdal
 (kild in the service.)
 Captain Thomas Turnor.

Captain Garret Hay

(kild in the service.)

Captain Laurence Sutton.

Captain Patrick Tayler.

Captain Paul Roch.

All which persons named, (amongst others of the same place,) being well knowne to his majestie's Court of Admiralty in forraigne parts to have been severally interested and imployed in his majestie's maritime service, the judge and register of the said court, in testimony of the truth thereof, have hereunto subscribed at St. Sebastian's, this fourth day of July 1660.

(Signed) THO. HOLDER.

BEN. JOHNSON, Register.

[*Copy from the Original in the State Paper Office,
London.*]

Wee doe hereby certifie for manifestation of the truth, that after the cessation of armes concluded with his majestie's authority, being imployed from the councell of the confederate catholiques, (by advise of the lord marquesse of Ormond then lord lieutenant of Ireland,) to procure shipping from the inhabitants of Wexford for his majestie's service, they freely and readily undertooke to fitt out and furnish to that end tenn shippes, and to have them in a readynes in fiteene dayes, and had not failed soe to doe but that the occasion was diverted. Witnesse our hands, the 21st of May 1661.

(Signed) CASTLEHAVEN. AUDLEY.

TAAFFE.

[*Copy from the Original in the State Paper Office,
London.*]

CHARLES R.

RIGHT trusty and right well beloved councellor, and right trustie and right well beloved cousins and councellors, wee greet you well. Whereas information hath bin given unto us that divers of our Irish subjects *who were formerly inhabitants of our city of Limerick and towne of Gallway, and of other cittys and townes and places in our kingdome of Ireland,* having bin repulsed from their said habitations, and debarred by the usurped power from libertie of trading, are not yet (only for difference of nation and religion,) sufferd to settle and traffique in the said cittys, towns, and places, to the great decay of trade, lessening of our revenews, and impoverishing our subjects of that kingdome, most of the merchants of abilitie formerly residing there being inforced to keep their stocks and traffique in forrain parts to the enriching of forrain princes; wee have therefore thought fitt, by advice of our councell, to signifie unto you our will and pleasure, and wee doe hereby order and declare, ‘That
‘ the respective former inhabitants, natives and freemen,
‘ and also such as have or shall have right to bee free-
‘ men in any the said cittys, townes, or places, shall bee
‘ forthwith restord to their accustomed priviledges, free-
‘ doms, and immunities, and bee allowd and peaceably
‘ admitted to inhabite and trade, by transportation, impor-
‘ tation, whole sale, retaile, or otherwise, in the said re-
‘ spective cittys, towns, or corporacions, without disturb-

*'ance or molestation, as freely as heretofore in the time
' of our most dear father of blessed memorie hath bin
' used, without making any nationall distinction be-
' tween our subjects of that our kingdome, or giving
' any interruption upon pretence of difference of
' judgement or opinion in matters of religion, but
' that all act and deale together as becometh our
' loyall and dutyfull subjects ;' whereof all mayors,
sheriffs, and other officers of our said respective cittys,
towns, and corporations in that our kingdome, and all
others whom it doth or may concerne, are to take no-
tice and conforme themselves thereunto. And our
further royall will and pleasure is, that you forthwith
cause these our letters patents to bee forthwith pub-
lishd in all the said cittys, towns, and corporations in
our said kingdome. And, soe doing, this shall be
your warrant. Given at our court at Whitehall, the
22nd day of May 1661, in the thirteenth year of our
reigne.*

To our right trusty and right wellbeloved coun-
cellor, Sir Morrice Eustace, knight, chancellor of
our kingdome of Ireland ; and to our right trusty
and right wellbeloved cousens and counsellors,
Roger earle of Orrery, and Charles earle of Mon-
trath, justices of our said kingdome ; and to our
lieutenant deputy or other chief governor or go-
vernors thereof that hereafter shall be.

By his majestie's command, William Morrice.

Enterd at the signet office the 28th of May 1661,
William Trumbull.

Ex. p' Ma. Barry.

[*Copy from the Original in the State Paper Office,
London.*]

THIS day there was a petition exhibited at this board by Sir Richard Blake, Sir Dominick White, Dr. Thomas Arthur, Patrick Darcy, Patrick Kirwan, and Nicholas French, in the behalf of *themselves, and of all the former inhabitants, natives and freemen, of the cittie of Limerick and towne of Gallway, and of other citties and townes in Ireland*, humbly praying us to give order for the execution of his majestie's pleasure declared by his order of the 22nd of May last; and they presented unto us his majestie's said order: which petition wee send you here inclosed, and a coppie of his majestie's said order or letters.

Upon reading those his majestie's letters, wee observe that the information given to his majestie was, that divers of *his Irish subjects who were formerly inhabitants of the cittie of Lymerick and towne of Gallway, and of other citties, townes, and places in this kingdome*, are, onely for difference of nation and religion, not suffered to settle and traffick in those citties, townes, and places, and his majestie by his said letters declares that the respective former inhabitants, natives and freemen, in any of the said citties, townes, and places, shall bee forthwith restored *to their accustomed priviledges, freedoms, and immunities*, and bee allowed and peaceably admitted to inhabit and trade, by transportation, importation, whole sale, retaile, or otherwise, in the said respective citties, townes, and corpo-

rations, without disturbance or molestation, as freely as heeretofore in the time of his majestie's royall father of blessed memory hath been used, without making any nationall distinction betweene his majestie's subjects of this kingdome, or giving any interruption uppon pretence of difference of judgement or opinion in matters of religion.

And indeed, if their being not suffered to settle and traffick were, as they pretend, onely for difference of nation and religion, wee should be silent in this case ; but the case is farr otherwise, and when wee called before us Sir Richard Blake and others of those petitioners to understand from them what those things are which they expect, they tould us *that they expected to bee restored to those citties and townes as they were before the rebellion, and to their rights in having their parts in choosing magistrates of those places ; and beeing demanded whether they expected the returne of all popish natives and freemen generally into the citties and townes, whatsoever their actings have been in the rebellion since the 23d of October 1641, it was answered that they expected their return generally.* And wee considering that in all former ages the citties and great townes in this kingdome were the places of refuge for the English in all times of rebellion, wherein they tooke themselves for safetie of their lives ; that those were the places where all the publicque magazins and stores of the king's ordinance, armes and ammunition, and other provisions of warr were preserved ; that as in former rebellions in this kingdome, and particularly in the great rebellion of the earle of Tyrone, begun in

the time of the late Queene Elizabeth, the citties and townes continuing in obedience to the crowne were such countenance, comfort, and stay to the queene and king's armys in the marches, and for retreate uppon all occasions and otherwise, as it became a great meanes whereby Tyrone was disappointed in his rebellious purposes; soe in the late horrid rebellion in this kingdome, there was noe one thing that contributed more to the diffusing and spreading of that rebellion throughout the kingdome, and to the countenancing and strengthening thereof, and to the lengthening of the warr, and to the vast expense of English blood and treasure for preserving this kingdome to the crowne of England, then the defection of most of these citties and townes, where very many of the English that either lived there amongst the Irish, or betooke themselves thither for safetie, were pillaged and murdered; and for such of them as are maritin citties or townes, they became inletts for the importation of armes, ammunition, and other provisions of warr for the rebels, and for the arrivall of the pope's nuncio, and the strengthening of those that joined with them against the king's authority; whereas, if they had stood firme in their loyalty, they might have prevented in a great measure those great and generall mischeifes which befell this kingdome; in which great defection even those two places, namely, the cittie of Limerick and towne of Gallway, were very active and early in shakeing off the king's government and authoritie, to the evil example of other places, who quickly imitated them in their defection; and particu-

larly for Limerick and Gallway, it is fresh in all men's memories heere that the former disdainefully spurned against his majeste's authoritie in the person of the duke of Ormond, then beeing lord lieutenant of this kingdome; and for the later, that they could not bee contained in obedience by all the power and endeavour used by the late marques of Clanrickard, being then the governor of that towne and countie by the king's authoritie.

Considering alsoe that the reason wherefore the former Irish and popish inhabitants of citties and townes are not permitted againe to reinhabit those citties and townes is not (as they untruely informe) onely for difference of nation or religion, but indeede because they have been involved in the guilts of the late rebellion; and as formerly by their defection in those citties and townes great evils followed there-uppon to the king and kingdome, soe now in these unsettled times, and in the present conjuncture of affaires both at home and abroad, it is extremely dangerous againe to putt such opportunities into the same men's hands; which alsoe, considering that divers of those places lye open to Spaine and other forren parts, might give opportunitie of forren invasion, which, if it should happen, would quickly cause an intestine rebellion and bring on the sad consequences of both: considering likewise that, by the restoreing of such inhabitants, great disappointment must necessarily followe to the king's commissioned officers before the 5th of June 1649, who eminently acted and suffered in his majeste's service, and for whose securities of

payment of their arreares the howses and tenements in walled townes and corporations, and lands thereunto belonging, not allready sett out to adventurers or soldiers in satisfaction of adventures and arreares, are appointed by his majeste's gracious declaration of the 30th of November last: and considering, moreover, *that if the former Irish popish inhabitants generally shall bee restored to their freedoms and priviledges in the citties and corporate townes, they will in such case have the election of all the cittizens and burgesses for these places in future parliaments; and what the effects thereof may bee as to the king and his army, and whether there shall bee any army or noe, or how such army shall bee maintained, besides many other things that may be consequences thereof, wee hope will bee now soe prudently foreseen as heerafter not to bee sadly felt.* And uppon the whole matter, it beeing evident to us heere upon the place, that the resettling the former Irish popish inhabitants in the citties and great townes and corporations, other then such of them who shall bee judged to bee innocent papists, for whom provision is made in his majeste's declaration, and of whom divers are allready permitted at Corck, Lymerick, Waterford, Gallway, and other townes, may bee attended with many high inconveniences, and bee of very dangerous consequence to his majestie, and to the peace and tranquility of this his kingdome and good subjects therein: wee therefore, who have the honour to bee entrusted by his majestie with the government of this his kingdome and people, esteeme it our duties, as to respitt in present the exe-

cution of his majeste's said letters, soe thus humbly to represent the matter to his majestie; and haveing in the greatest humilitie soe laid the same at his majeste's feete, wee humbly beseech such a signification of his good pleasure heerin as in his great wisdom hee shall judge fitt, that it may bee a rule to guide us in this important affaire, which shall bee redily obeyed by us his servants with that humble dutie and submission which is due from us to his royall commands.

A copy of a branch of letters from the lords justices and councell, dated the 18th day of July 1661; directed to Mr. Secretary Nicholas.
Ex. p'r Ma. Barry.

[*Copy from the Original in the State Paper Office,
London.*]

AFTER our hearty commendations to your lordships, wee are by his majestie's express command, in whose presence your letter of the 18th of July, directed to Sir Edward Nicholas, principall secretary of state, was read and considered in councell, to return you this aunswer. In the first place, his majestie and the board doe take notice of and well approve the care and dilligence for the peace and tranquillitie of that his kingdome whereof hee hath intrusted you with the government: and that you may want no encouragement or advice for your prudent proceeding therein, upon perusall of his majestie's letter of the

22nd of May last, to which you referr, and debate thereof had in councell, and consideration of what constructions hath bin put upon it by the *presumption of some petitioners of the citty of Limmerick and towne of Gallway, and of other cittys and townes in Ireland*, by reason of some clauses which *might have bin more warily expressed*; wee thinke fitt to observe that your lordships have very circumspectly pursued the instructions given you by his majestie when you enterd upon that government, in the demurr you have made upon the said letter, and your forbearance to proceed thereon till you should receive his majestie's further pleasure, which you are by the said instructions required to expect in cases of difficultie and moment, wherein, not being acquainted with the grounds of his majestie's commands, you shall by reason of your fuller knowledge of the state of affairs there upon the place then can bee obtaind here, find cause either to doubt of his majestie's intentions, or apprehend any evill consequence by a speedy putting his royall letters in execution. And therefore, to the end you may have clear direction when you desire it, and bee rightly informed of the true scope of that letter, your lordships may take notice *that it was grounded upon the application of some of his majestie's popish subjects of that kingdome*, giving his majestie the information you rightly observe to bee recited in the said letter, of their not being sufferd to settle and traffique there (only for difference of nation and religion), but not so much as pretending to what your letter mentions the petitioners before you had the confidence to expect (*viz.*) a promiscuous ad-

mission and restoring of all popish *natives and freemen generally into the cittys and towns, and to their respective former priviledges, freedoms, and immunities of trade and habitation*, whatsoever their actings have bin in the late horrid rebellion; which if the petitioners here had bin so bold as to have moved, for the reasons you give, and many others of great weight which occur to his majestie and the board in this affaire, would not only have given occasion of positive rejection, but drawn upon some of them the just punishment of their presumption, which you have done well to give a checke unto there, by respitting the execution of his majestie's letters, which they would soe ungratefully have abusd; and you cannot bee to carefull to suppress that spirit of combination and drawing into parties, which so early shews it self in those who may partake more of his majestie's innate clemency, if they doe not deprive themselves of it by ranking themselves in a distinction from the rest of his majestie's good subjects, which still renders them objects of the jealousie and stricter inspection of the government there and here.

Upon the whole matter, though wee find by the right sense you gather of his majestie's intentions from severall expressions in the letter it selfe, that it needs no explanation as to your lordships; yet, since upon the presumptuous mistaking or design of some persons there, doubts have bin raisd, you are to make known, by your proceedings in this affair, that his majestie and this board had no intention the grace and favor held forth by that letter should bee extended further then to *innocent papists*, according

to the acceptation of the word in the late declaration and instructions for the settlement of Ireland, and the directions therein given, and to such as have so redeemed themselves from former faults by subsequent service or proof of all allegiance and faithfulness, that for the advancement of trade and commerce, and the general good of that his majestie's kingdome, your lordships and the councell there shall, by directions from hence, and upon due consideration of perticular cases at that board, make partakers thereof; but freedome of trade and traffique you are to allow to all other the king's subjects whose calling or right it is to make use thereof, tho' upon just grounds and reasons they are denied leave to inhabite in cittys, walld towns, and garrisons. Wee have no more at present to say unto your lordships, but from his majestie to give you in speciall charge that you prevent and punish and suppress, according to law, such unlawfull meetings of persons not conformable to the religion established in that kingdome as entrench upon his majestie's authoritie, or give any terror to his majestie's protestant subjects, Brittish or Irish, whose interest, quiet settlement, and encouragement, his majestie perticularly recommends to your lordships' care. And you are likewise to have diligent inspection into the actions of those who have any dependencie on or hold correspondence with for-reiners, or endeavor assistance from abroad, as the like care will bee held here to prevent and disappoint their designs therein. And soe wee bid your lordshipps very heartily farewell. From the court at Whitehall, the 12th day of August 1661.

Your Lordships' very loving friends,

CLARENDON, C.

ASHLEY.

ORMOND.

DENZELL HOLLIS.

T. SOUTHAMPTON.

G. CARTERETT.

MANCHESTER.

ED. NICHOLAS.

ANGLESEY.

W. MORRICE.

H. CORNWALLIS.

To our very good lords,

The Lords Justices and Councill of Ireland.

Ex. p' MA. BARRY.

[*Copy from the Original in the State Paper Office,
London.*]

Whitehall, 13th of Aug. 1661.

MY VERY GOOD LORDS,

ALL the commissioners sent by your lordships and by the two houses of parliament of Ireland are now come to the court, and I have received the bills transmitted hither by your lordships to the king, as I have acquainted his majestie, who will give as speedy a dispatch to the same as can bee with all convenience, that the same may bee returned timely to your lordships before the houses there shall sitt. Your lordships will herein receive a letter from the councill board in aunswer to what you wrote to mee in yours of the 18th past, concerning the resetting of the Irish papists. The king hath declared at the board that his majestie did not intend by his letters *of the 22nd of May last* to restore them further then to trade and traffique, and not to establish them in any *priviledges*

relating to magistracy or government in any towns; neither (for ought I hear from some of the cheif Irish papists who are here) did they desire more then to have libertie to live and traffique in Ireland. But your lordshipps in this will receive more full and per-ticular satisfaction by the letter from the councell. The two bills formerly sent over by your lordshipps are past here by his majestie and councell, and ready for the great seale, which if I can get dispatcht timely, I intend to remitt both by this post. My lord generall the duke of Albermarle is faln ill of a feavor, but God be praisd hee's in no danger, his fitts being lessned. There is no resolution as yet taken concerning the king's progress, but it is thought it can't be sooner then the beginning of the next month, if there bee any at all this summer.

I am, with all respect,

Your lordshipps' most humble servant,

EDWARD NICHOLAS.

To the Right Honorable

The Lords Justices of Ireland, at Dublin.

[*Copy from the Original in the State Paper Office,
London.*]

HONORED SIR,

WE have this day received his majeste's gracious leave for three weeks to follow som privat occasions of our owne, the speedy dispatch therof we owe to your wonted favor and care. We have put things in so good a posture here, that we fully beleieve our

absense for a few days will not in the least degree be prejudiciall to his majeste's service, which we highly preferr above any thinge of our owne private concernments.

The letter from the lords of the councill, *explaining the true intentions of his majeste's letter of the 22d of May last concerning the admission of the Irish into the corporations, was most welcome to us.* And I hope the bills we now transmitt, and *the excise bill* prepared, (which only waits for his majeste's royall pleasure concerning the court of wardes here,) *will not be unwelcom to his majesty,* the advancement of whose revenue here we much study and endeavor.

Our great expectations now are on the speedy remittall of our great bill of settelment, that we may once have a legall foundation : as soone as it comes, (the hastening wherof we beg and know you will further,) I shall make it my worke to get speedily for you your £2000 ; and in all things els you shall finde I had rather by my services then letters convince you how unalterably I am,

Honored Sir,

Your most affectionate and most faithfull
humble servant,

(Signed) ORRERY.

Dublin, the 19th of August, 1661.

(Superscribed)

To the Right Honorable Sir Edward Nicholas,

His Majeste's principall Secretary of State.

This at Whitehall, London. Hast.

[*Copy from the Original in the State Paper Office,
London.*]

To his Grace the Lord Lieutenant and Councill
of Ireland.

WEE, his majeste's commissioners for putting in execution the act of settlement, observing that upon the restitution of innocent papists his majeste's letters have been produced unto us often of late; some for restoring of all natives and inhabitants of some corporations to have their houses and lands being therein, as namely, those of Kinsale and Youghall; some for restoreing sundry persons to their houses and lands in specialtie within corporations, as namely, within the corporation of Kilkenny; and some for restoreing particuler persons to their houses and lands in corporation; which, as wee humbly *conceive, wilbe such an inlett of papists into corporations as the act seemes to provide* against. Wee have therefore thought fitt humbly to informe your grace and the councill thereof, to the end you may be pleased to take such course for the putting a stopp thereunto as you in your great wisdomes shall think fitt.

(Signed) RI. RAYNSFORDE.

EDWARD DERING.

THOMAS BEVERLEY.

EDWARDE SMYTHE.

A. BRODRICK.

EDWARD COOKE.

W. CHURCHILL.

King's Inns, Dublin, the 21st July 1663.

[*Copy from the Original in the State Paper Office,
London.*]

By the Lord Lieutenant and Councill. Ormonde.

WHEREAS wee have lately received a writeing, dated the 21st of July 1663, signed by his majestie's commissioners for putting in execution the act of settlement, which writeing followeth in theis words:—To his grace the lord lieutenant and councill of Ireland. Wee, his majestie's commissioners for putting in execution the act of settlement, observing that *uppon the restitution of innocent papists his majestie's letters have been produced unto us often of late; some for restoreing of all natives and inhabitants of some corporations* to have their houses and lands beeing therin, as namely, those of Kinsale and Youghall; some for restoring sundry persons to their houses and lands inspecie within corporations, as namely, within the corporation of Kilkenny; and some for restoreing particular persons to their houses and lands in corporation; which wee humbly conceive will bee *such an inlett of papists into corporations* as the act seemes to provide against. Wee have therfore thought fitt humbly to informe your grace and the councill therof, to the end you may bee pleased to take such course for the putting a stopp therunto as you in your great wisdomes shall thinke fitt. King's Inn, Dublin, the 21st July 1663. Ri. Raynsford, Edward Dering, Tho. Beverley, Edward Smith, A. Brodrick, Edward Cooke, W. Churchill. —Uppon consideration wherof, wee do heerby order and direct his majestie's said commissioners to putt a

stopp to any *proceedings for restoreing of popish natives mentioned in the said writings, or inhabitants of any corporations, to their houses or lands in corporations*, untill wee shall humbly represent the matter to his majestie, and receive his majestie's further pleasure concerning the same. Given at the councell-chamber in Dublin, the 27th day of July 1663.

MAW. EUSTACE, Canc.

FRA. HAMILTON.

JA. DUBLIN.

ROBERT FORTH.

MASSEREENE.

ROB. MEREDITH.

DUNGANNON.

THEO. JONES.

FRAN. AUNGIER.

THO. CLARGES.

Copia vera, MA. BARRY.

[*Copy from the Original in the State Paper Office,
London.*]

SIR,—I, the lieutenant, lately received from the hands of one of his majestie's commissioners for putting in execution the act of settlement, the inclosed writeing, signed by all the said commissioners, dated the 21st of July 1663; uppon reading whereof at this board, wee, well knowing the many great and dangerous inconveniences that may followe to his majestie's affaires here, and to the whole kingdome, by a generall restitution of papists to their houses within corporations; and considering the advantages and safetie to bee rendered to the king and kingdome by haveing the citties and corporat townes well secured, as more fully appears by former letters from

this board, dated the 18th of July 1661, and directed to Sir Edward Nicholas, then his majestie's principal secretary of state, in a branche thereof uppon this subject, a copy of which branch of the said letters wee send you heere inclosed, of which letters his majestie was graciously pleased to signifie his approbation by letters from the lords of his majestie's most honourable privie councell, dated the 12th of August 1661, and directed to the justices and councell heere; and considering alsoe, that the said act, in page 18, appointed that all such of the popish religion of any corporations who have been for publicque securitie dispossessed of their estates within any corporation shall bee reprized, which certainly was done to the end those corporations might bee the better secured; and for that there is alsoe a clause inserted in the said act, page 54, that the commissioners are to observe and followe such further directions as they shall from time to time receive from his majestie or from us pursuant to the said act: Wee therefore (judgeing it agreeable to the dutie wee owe to his majestie, and to the wellfare of this his kingdome,) did on the 27th of July 1663, order and direct his majestie's said commissioners to putt a stopp to any proceedings for restoreing of popish natives or inhabitants of any corporations to their houses or lands in corporations, until wee might (as now wee doe) humbly represent the matter to his majestie, and receive his further pleasure concerning the same; a copy of which our order wee send you heere inclosed, submitting the

same to his majestie's royall consideration, and desiring you to acquaint his majestie therewith, and to move him for a signification of his good pleasure heerin to us his servants. And uppon this occasion, I, the lieutenant, doe remember that I formerly wrote to you uppon this subject about the 28th day of March and 13th of June 1663, which I did in prevention of the inconveniences I foresawe might otherwise followe; which my letters I desire you to reviewe and offer to his majestie's consideration. And soe wee remaine, from the councill-chamber in Dublin, the 5th day of August 1663

Your very assured loveing freinds,

(Signed) ORMONDE.

(Signed) W. CAULFEILD.

MAU. EUSTACE, Can.

KINGSTON.

JA. DUBLIN.

J. TEMPLE.

SHANNON.

ROBERT FORTH.

DUNGANNON.

THEO. JONES.

HEN. MIDENSIS.

JA. WARE.

MICH. CORKE.

(Superscribed)

To the Right Honourable Sir Henry Bennet, Knight,
His Majestie's Principal Secretarie of State, &c.

Theise at Whitehall.

[*Copy from the Original in the State Paper Office,
London.*]

A clause in a letter from his Majestie to the Lord Barkeley, Lord Lieutenant of Ireland, bearing date the six and twentieth day of February, 1671-2, in the four and twentieth year of his Majestie's reigne.

And our further will and pleasure is, and wee doe hereby order and declare, that our said *Irish Roman catholick subjects, formerly inhabitants, natives, or freemen, and such as have or shall have right to bee freemen in any of the said cittys, towns, and places,* and all other our subjects, shall bee forthwith restord unto and enjoy their *accustomed priviledges, freedoms, immunities, and advantages, and bee allowd and peaceably admitted to inhabite and trade, by transportacion, importacion, whole sale, retail, or otherwise, in the said respective cittys, towns, and places without disturbance or molestacion, as freely as they or their auncestors, or any other, did or hath bin used at any other time heretofore in the time of our dear father of blessed memorie, and as any other our subjects doe at present,* without making distinction between our subjects of that our kingdome, or giving any interruption upon pretence of *difference of judgement or opinion in matters of religion.*

No. XXIII.

LETTER AND REPORT ON THE IRISH CORPORATIONS,
MADE BY THE EARL OF ESSEX, LORD LIEUTENANT
OF IRELAND, IN THE YEAR 1674.

To Mr. Secretary Coventry.

Dublin Castle, Jan. 23, 1674-5.

SIR,—His majesty, by his letter of the 16th of August 1671, having impowered the chief governor here to renew the charters of the several corporations of this kingdom, and to grant unto them such of the privileges formerly belonging to them as should be thought fit; and the lords of his majesty's most honourable privy council in England, by their letter of the 26th of September 1673, having signified to me his majesty's pleasure that all restraints against the renewing of charters be taken off, and that I should proceed therein according to the several former directions given from thence; I have since applied myself towards the dispatch of that affair, and have given notice to some of the chief corporations that they should employ agents here to solicit the taking out of their charters, and that of Cork is at present under consideration; and finding that by a letter from his majesty's privy council in England, bearing date the 17th of August 1670, (a copy whereof I herewith send you,) some

rules and directions were recommended to the lord lieutenant and council to be observed in the granting of such new charters, I thought it fit, although that letter was only directed to the Lord Berkley, then lord lieutenant, and not to the lieutenant for the time being, to conform myself to his majesty's pleasure thereby signified, unless his majesty should dispense with any of the rules thereby prescribed. The only difficulties that I meet with do relate to two of the directions therein mentioned; whereof one is, that a surrender should be required of their former charters, without which a new charter will not abrogate an old privilege; and the other is, that if any corporation claims the benefit of fines and amerciements among themselves, that this occasion may be taken of extinguishing of such claim, and resuming of that privilege, because it leads to the obstruction of justice.

As to the first, I find the corporations generally very unwilling to surrender their old charters, many of them having divers antient charters from several of his majesty's royal predecessors, wherein there are large testimonies of their loyalties and good services by them in former times performed to the crown, which they conceive to be much for their honour, and are therefore desirous not to part with them; and do also apprehend that it may be some prejudice to them *in the lands belonging to them*, and an occasion of many suits and differences concerning such leases and grants as have been made, and debts contracted by them, if the present corporations should be wholly dissolved by the surrender of their old charters; also they fear all

the by-laws and other constitutions formerly made by them will become void; and therefore rather desire, that if any privileges heretofore granted to them shall be found to be unreasonable and not fit to be continued, they may, by a deed under their corporation seal, to be enrolled in the chancery, surrender and release such privileges to his majesty, which, it is supposed, may be as available for the barring them from the enjoyment of such privileges as if their former charters were surrendered. As to the other, concerning the grants of fines and amerciaments among themselves, it is insisted on by some of them, and particularly by the city of Cork, who have that privilege, that they have for many years enjoyed the same without complaint of any ill use made thereof to the obstruction of justice; that there are not in Cork any lands belonging to the corporation, so that, if that benefit be taken from them, they shall lose all that small income that is granted to them by their charter; and that being a town of the greatest trade in this kingdom next to Dublin, it may possibly be reasonable to grant some of those privileges to that, and some few other trading towns, which may be fit to be denied to others of less consideration; whereof if his majesty shall be pleased to allow, it will be necessary he should signify his pleasure, that I may have the liberty either of allowing or disallowing that privilege in such cases as the lord lieutenant and council here shall think fit. And as to both these rules directed to be observed, I find that neither of them were taken notice of in the new charter which hath been lately granted to the town of

Dundalk under the great seal of England, which was passed there without any surrender of their former charter; and there is also therein contained an express grant to them of all the liberties and privileges belonging to them in the year 1641 by force of any charters heretofore granted to them, and a particular provision for their enjoyment of all fines, issues, and amerciaments happening within the court of the said town. There is one thing more relating to this matter that may not be unfit to inform you of; which is, that by his majesty's letter of the 16th of August 1671, I am authorized to grant to the corporations all such privileges as have been formerly granted to them; and the trade and condition of some of the towns here being now very much altered from what they were at the time of their granting their former charters, as particularly Belfast and some others, I have not any power to enlarge the privileges of any of them that I shall find to deserve greater encouragement than they had by their former charters, when there was a less trade in them; which may be reminded in case his majesty shall think fit to empower me to grant unto such corporations whose trade hath considerably increased since the passing of their former charters, such new privileges the lord lieutenant and council here shall judge to be convenient for them, and to tend to the advancement of the trade thereof. I desire you to take an opportunity to acquaint his majesty with these several particulars, and to let me know his pleasure therein, which I shall be sure punctually to observe; and shall then proceed to the renewing of the several charters, according to

such directions as I shall receive from his majesty, and those other rules mentioned in the letter of the lords of the council here inclosed. I am,

Your most faithful humble servant,
ESSEX.

(*Paper enclosed by Lord Essex.*)

Concerning the Charters to Corporations.

IN most of the corporations of Ireland *the freemen were generally papists in the year 1641, and so continued till about 1654; and although most of the persons who were then free may now be presumed to be dead, yet there being a custom in most corporations that all the sons of freemen are also free of the corporations whereof their fathers were free, there cannot but be now very many papists living who are entitled to their freedoms in their several corporations. Since the ending of the rebellion, all the magistrates in corporations have been generally protestants, and many protestants have been also admitted to their freedoms; and in the Usurper's time all the papists that were freemen were hindered from enjoying the benefit of their freedoms.*

Since the king's restoration, many disputes have happened concerning the papists, who were formerly free, *being admitted again into the corporations.*

By a letter from the king, dated 22d of May 1661, his majesty declared his pleasure that *the respective former inhabitants, natives and freemen, and such as had right to be freemen in any of the cities or towns in this kingdom, should be forthwith restored to their*

accustomed privileges and immunities, and admitted to trade in the said respective cities and towns as freely as heretofore, without *making any national distinction*, or giving any interruptions *upon pretence of difference of judgment or opinion in matters of religion*. Notwithstanding this letter, *many of the antient freemen that were papists were kept out of several of the corporations*. In the act of settlement or explanation, there is *no clause that hinders any papist from buying or taking any leases of any forfeited houses from the 49 officers, without licence of the lord lieutenant and council*.

His majesty afterwards, by his letters, bearing date the 26th of February 1671, in the time of the Lord Berkley's government, did again declare his pleasure that *all the antient freemen of the respective corporations should enjoy their former freedoms and privileges*; and that a general licence should be given to papists to *hire or purchase any forfeited houses in corporations; which was accordingly done*, and his majesty's pleasure therein published *by proclamation* of the lord lieutenant and council, bearing date the 8th of May 1671.

The rules since made by the lord lieutenant and council, in pursuance of a clause contained in the act of explanation, *do hinder all papists from being magistrates in corporations, unless dispensed with by the lord lieutenant from taking the oath of supremacy*; but nothing in those rules takes away from them the benefit of their freedoms; yet in some of their corporations (in which the number of protestants is great) *many of the papists are still kept out and hindered from their freedoms*, as particularly in Cork, which is now wholly inhabited

by protestants, and *the antient natives or freemen are either disposed in the country abroad, or do only inhabit in the suburbs without the walls; but the trade is almost wholly carried on by the protestants. Upon renewing of charters great disputes are likely to arise between the present inhabitants and antient natives of several of the corporations concerning the hindering of the antient natives from, or admitting them to, the benefit of their freedoms. If they should be hindered from their freedoms, they will complain that there is no law to take that benefit from them; that it is unreasonable to hinder them from trading, and may be also prejudicial to the king in his customs, and will force them to withdraw their stocks beyond the seas; and that it is against the king's pleasure expressly declared by his several letters, and since made public by proclamation, upon confidence whereof (it will be pretended) many have come over to inhabit here; that by the rules, papists who are foreigners may be admitted to be free in the corporations here, and that it will be hard to bar papists who are natives from enjoying that freedom which hath been already granted them. If they should all be generally admitted by the new charters to enjoy the benefit of their freedom, the protestant inhabitants will complain that the corporations will be all presently filled with papists, as they were in the year 1641, and the protestant inhabitants thereby discouraged; that the number of the antient freemen who are papists will be much greater than of protestants, and thereby they will have the choice of parliament men, and the House of Commons thereby will be filled with papists, who are not, by any law of*

force here, hindered from sitting in the house ; that it will be unreasonable that such, who by reason of their not being adjudged innocent have forfeited their estates, should be admitted to continue their freedoms ; and it is to be feared, that the present protestant inhabitants, who will generally solicit and take out the charters, will hardly be at the charge of renewing them, if any provision should be therein made for all the antient freemen to be restored to their freedoms. What expedients to propose herein seems to be very difficult, and it will be hardly possible to propose any that may satisfy both parties.

It may, perhaps, be *a middle way* to admit *only those papists to their freedoms who do now actually enjoy the benefit thereof, whereby those papists who have not yet been admitted thereunto by the corporations themselves may be excluded ;* or else to provide that those papists who have been adjudged innocent, and their heirs and children, shall enjoy the benefit of those freedoms, whereby only those who have not been admitted to enjoy their estates will be hindered from their freedoms ; but it is to be doubted whether either of these will satisfy the parties concerned.

No. XXIV.

LIST OF PART OF THE SUMS PAID AS COMPENSATION
TO THE PRETENDED PROPRIETORS OF BOROUGHES,
AT THE PERIOD OF THE UNION BETWEEN ENGLAND
AND IRELAND IN THE YEAR 1800.

[*Taken from the "LIBER HIBERNIÆ," printed by order
of Government.*]

A RETURN FROM THE COMMISSIONERS UNDER ACT 40
GEO. III, CAP. 34, OF ALL CLAIMS FOR COM-
PENSATION ON ACCOUNT OF REPRESENTATIVE
FRANCHISES WHICH THEY HAVE ADMITTED, AND
TO WHAT AMOUNT.

Cloghnékilty, Richard *Earl of Shannon*, 15,000*l.*

Castlemartyr, Richard *Earl of Shannon*, 15,000*l.*

Charleville, Richard *Earl of Shannon*, 7,500*l.* Ed-
mond *Earl of Cork*, 7,500*l.*

Newcastle, the Portrieve and Burgesses of the borough
of Newcastle, and the Right Honourable David
Latouche ! 15,000*l.*

Ballinakill, Charles Marquis of *Drogheda*, 15,000*l.*

St. Johnstown, in the County of Longford, the Right
Honourable George Earl of *Granard*, 15,000*l.*

Mullingar, George Earl of *Granard*, 15,000*l.*

Harristown, the Sovereign, Burgesses and Freemen of
Harristown, and John *Latouche*, Esq. 15,000*l.*

- Boyle, Robert Earl of Erris, executor of Robert late Earl of *Kingston*, 15,000*l*.
- Longford, Thomas Earl of *Longford*, 15,000*l*.
- Augher, John James Marquis of *Abercorn*, 15,000*l*.
- Kilbeggan, Gustavus *Lambart*, Esq. 15,000*l*.
- Castlebar, Richard Earl of *Lucan*, 15,000*l*.
- Kilmallock, Richard *Oliver*, Esq. 15,000*l*.
- Duleek, the Portrieve and Burgesses of the borough of Duleek, and the Right Honourable Henry *King*, and Robert *French*, Esq. executors and trustees named in the will of Henry Bruen, Esq. 15,000*l*.
- Taghmon, the Portrieve and Burgesses of the borough of Taghmon, and the Right Honourable Henry King, and Robert French, Esq. executors and trustees named in the will of Henry *Bruen*, 15,000*l*.
- Carrickdrumrushe, Robert Earl of *Leitrim*, 15,000*l*.
- Belturbet, Armar Earl *Belmore*, 15,000*l*.
- Ballyshannon, Armar Earl Belmore, 15,000*l*.
- Newtownards, James Earl of *Caledon*, 15,000*l*.
- St. Johnstown, in the County of Donegal, Alice Countess of Wicklow, the Right Honourable William *Howard*, the Honourable Hugh Howard, 15,000*l*.
- Banagher, Right Honourable William Brabazon *Ponsonby*, 15,000*l*.
- Callan, George Lord *Callan*, 15,000*l*.
- Baltimore, Sir John *Freke*, Bart. 15,000*l*.
- Dinglecushe, Richard Boyle *Townsend*, 15,000*l*.
- Carysfort, John Earl of *Carysfort*, 15,000*l*.
- Rathcormuck, Francis Earl of *Bandon*, Hays Lord Viscount *Doneraile*, and Sampson *Stawell*, Esq. surviving trustees named in the will of William

- late Lord *Riversdale*, which bears date the 25th day of June in the year 1787, 15,000*l*.
- Hillsborough, Arthur Marquis of *Downshire*, 15,000*l*.
- Monaghan, William Henry Earl of *Clermont*, Robert Lord *Rossmore*, Right Honourable Theophilus *Jones*, and Henry *Westenra*, Esq. 15,000*l*.
- Lifford, John Earl *Erne*, 15,000*l*.
- Ratoath, Gorges *Lowther*, Esq. 15,000*l*.
- Fore, Arthur Marquis of *Downshire*, 15,000*l*.
- Ardfert, John Earl of *Glandore*, 15,000*l*.
- Gowran, Henry Welbore Lord Visc. *Clifden*, 15,000*l*.
- Thomastown, Henry Welbore, Lord Viscount *Clifden*, 15,000*l*.
- Clonmines, Charles Marquis of *Ely*, by the style of Earl of Ely, and Charles Tottenham, of Ballycurry, in the county of Wicklow, Esq. 15,000*l*.
- Bannow, Charles Marquis of Ely, by the style of Earl of Ely, and Charles *Tottenham*, of Ballycurry, in the county of Wicklow, Esq. 15,000*l*.
- Fethard, in the county of Wexford, Charles Marquis of Ely, by the style of Earl of Ely, and Charles Tottenham, of Ballycurry, in the county of Wicklow, Esq. 15,000*l*.
- Bangor, Henry Thomas Earl of Carrick, the Honourable Somerset Butler, commonly called Lord Viscount Ikerrin, 7,500*l*. The Honourable Edward *Ward*, and the Honourable Robert Ward, 7,500*l*.
- Jamestown, Gilbert *King*, Esq. John *King*, Esq. the Rev. John *King*, Archdeacon of Killala, and the Sovereign and Burgesses of the borough of Jamestown, 15,000*l*.

Killyleagh, Sir James Stevenson *Blackwood*, 15,000*l.*
Newborough, otherwise Gorey, Stephen *Ram*, Esq.
15,000*l.*

Blessington, Arthur Marquis of Downshire, 15,000*l.*
Wicklow, William *Tighe*, Esq. 15,000*l.*

Cavan, Theophilus *Clements*, Esq. 7,500*l.* Thomas
Nesbitt, Esq. 7,500*l.*

Philipstown, George Earl of Belvedere, Robert Her-
bert, Earl of *Lanesborough*, and John King, Esq.
and Elizabeth Countess of Lanesborough, his
wife, 15,000*l.*

Carlingford, Arthur Marquis of Downshire, Thomas
Moore, William *Moore*, and Robert *Ross Rowan*,
Esqrs. guardians of *Ross Balfour Moore*, Esq. a
minor, 15,000*l.*

Innistioge, William Tighe, Esq. and the Portrieve and
Burgesses of the borough of Innistioge, 15,000*l.*

Dunleer, the Right Honourable John *Foster*, Henry
Coddington, of Oldbridge, in the County of Meath,
Esq. and the Portrieve and Burgesses of the
borough of Dunleer, 15,000*l.*

Askeyton, Henry Thomas Earl of Carrick, the Honour-
able Somerset Butler, commonly called Lord
Ikerrin, 6,850*l.* the Honourable Edward *Massey*,
6,850*l.*, Sir Joseph *Hoare*, Bart. 200*l.* Sir Vere
Hunt, Bart. 1,100*l.*

Charlemont, Francis William Earl of *Charlemont*, 15,000*l.*

Middleton, George Lord Viscount *Middleton*, and the
Sovereign, Bailiffs, and Burgesses of the borough
of Middleton, 15,000*l.*

Naas, John Earl of Mayo, the Honourable and Reve-

- rend Richard Bourke, the Sovereign, Portrieve, Burgesses, and Community of the borough of Naas, 15,000*l*.
- Maryborough, the Right Honourable Sir John *Parnell*, Bart. 7,500*l*. The Right Honourable Charles Henry *Coote*, 7,500*l*.
- Enniscorthy, Cornelius Lord Lismore, 12,300*l*. Robert *Cornwall*, Esq. 2,700*l*.
- Atherdee, otherwise Ardee, Charles *Ruxton*, Esq. and William *Parkinson* Ruxton, Esq. 7,500*l*. William Ruxton, Esq. 7,500*l*.
- Doneraile, Hays Lord Viscount *Doneraile*, 15,000*l*.
- Lanesborough, Luke Lord *Clonbrock*, 15,000*l*.
- Kells, Thomas Marquis of *Headfort*, by the style of Earl of *Bective*, 15,000*l*.
- Lismore, William Duke of *Devonshire*, 15,000*l*.
- Tallagh, William Duke of *Devonshire*, 15,000*l*.
- Newtownlimavady, Robert Earl of *Londonderry*, 7,500*l*.
The Honourable Henry Robert *Stewart*, commonly called Lord Viscount *Castlereagh*, 7,500*l*.
- Killybeggs, otherwise Callebegg, Henry Earl *Conyngham*, 15,000*l*.
- Athenry, Theophilus *Blakeney*, Esq. 15,000*l*.
- Athboy, John Earl of *Darnley*, 15,000*l*.
- Ballinglass, Edward late Earl of *Aldborough*, in his lifetime, John Earl of *Aldborough*, by the name of the Honourable John *Stratford*, the Honourable and Reverend Francis Paul *Stratford*, and the Honourable Benjamin O'Neale *Stratford*, 15,000*l*.
- Fethard, county of Tipperary, Cornelius Lord *Lismore*, 7,500*l*. Thomas *Barton*, Esq. 7,500*l*.

and the Sovereign and free Burgesses of the borough of Fethard.

Trim, the Honourable William *Wellesley Pole*, on behalf of Richard Marquis of *Wellesley*, 15,000*l*.

Tuam, the Honourable Walter *Yelverton*, 1,000*l*. John Lord *Clanmorris*, 14,000.

Knocktopher, Sir George Shee, Bart. 1,137*l*. 10*s*. The Right Honourable Sir Hercules *Langrishe*, Bart. 13,862*l*. 10*s*.

Granard, George Fulk *Lyttleton*, Esq. William Fulk *Greville*, Esq. 15,000*l*.

Athy, William Lord *Ennismore*, 1,200*l*. William Duke of Leinster, 13,800*l*., and the Sovereign, Bailiffs, and Burgesses of the borough of Athy.

Kildare, William, Duke of Leinster, 15,000*l*. and the Sovereign, Provosts, and Burgesses of the borough of Kildare.

Randalstown, Charles Henry St. John, Earl O'Neil, 15,000*l*.

Shabane, John James Marquis of *Abercorn*, 15,000*l*.

Tulsk, James *Caulfield*, Esq. guardian of St. George Caulfield, Esq. a minor, 15,000*l*.

Donegal, Arthur Earl of Arran, and the Honourable Arthur *Saunders Gore*, commonly called Lord Viscount *Sudley*, 15,000*l*.

Roscommon, Henry Lord *Mount Sandford*, 15,000*l*.

Navan, John Lord *Tara*, 7,500*l*. Peter Earl of *Ludlow*, the Honourable Augustus Ludlow, commonly called Lord *Preston*, and the Portrieve, Burgesses, and Freemen of the borough of Navan, 7,500*l*.

Antrim, Clotworthy Earl of *Massareene*, 3,750*l.* Honourable Henry *Skeffington*, 3,750*l.* Honourable William John *Skeffington*, 3,750*l.* Honourable Chichester *Skeffington*, 3,750*l.* The claims of George *Marquis of Donegall*, the Seneschal and 36 registered Electors of the borough of Antrim, and Robert *Craig*, and others, unregistered Electors of the said borough of Antrim, disallowed.

Saint Canice, 15,000*l.* to be paid to the Trustees and Commissioners of First Fruits payable out of ecclesiastical benefices in Ireland, to be laid out and invested by them in the public stocks or funds: the annual interest and proceeds thereof to be applied by the said Trustees and Commissioners to and for the same uses and purposes as the First Fruits payable out of ecclesiastical benefices in Ireland are applicable by law, and in such manner as shall tend most effectually to promote the constant residence of the clergy. The claim of the Right Rev. Hugh, Lord Bishop of Ossory, disallowed.

City of Clogher, 15,000*l.* to be paid upon the like conditions. The claims of the Right Rev. John, Lord Bishop of Clogher, the Dean, Chapter and Prebendaries of the cathedral church of Clogher, and the Reverend Hugh Nevin, Seneschal of the city of Clogher, disallowed.

Old Leighlin, 15,000*l.* to be paid upon the like conditions. The claim of the Right Rev. Euseby, Lord Bishop of Leighlin and Ferns, disallowed.

Swords, 15,000*l.* to be paid to the Right Honourable John Lord Redesdale, Lord High Chancellor of Ireland, the Most Rev. Father in God, Charles, Lord Archbishop of Dublin, the Right Reverend Father in God, George Lewis, Lord Bishop of Kildare, and Dean of Christ Church, Dublin, the Rev. Doctor John Kearney, Provost of Trinity College, Dublin, the Reverend James Verschoyle, Dean of St. Patrick's, Dublin, and Vicar of the parish of Swords, in the diocese of Dublin, and the survivors and survivor of them, in trust, &c.

Returned pursuant to an order of the Honourable House of Commons, dated the 21st day of February 1805.

By order of the Commissioners for compensation,
DANIEL M'KAY, *Secretary.*

Office of Commissioners for compensation,
Dublin, 11th March 1805.

N. B.—The families of those persons whose names are printed in italics in the above list were not known in Ireland for some centuries after the creation and establishment of corporations in that country.

No. XXV.

CLAIM OF A BISHOP AT THE TIME OF THE UNION BETWEEN GREAT BRITAIN AND IRELAND, IN THE YEAR 1800, FOR COMPENSATION FOR A BOROUGH THROUGH THE POLITICAL INFLUENCE OF WHICH HE EXPECTED PROMOTION.

[*Taken from the "LIBER HIBERNIÆ," printed by order Government.*]

To the Right Honourable and Honourable the Commissioners for ascertaining the allowances to be made to bodies corporate, and individuals, in respect of those cities, towns, and boroughs which shall cease to return any member to serve in Parliament from and after the Union between Great Britain and Ireland.

THE memorial of the Right Reverend HUGH, LORD BISHOP OF OSSORY: Sheweth,—That the borough of Saint Canice, otherwise Irishtown, in the county of the city of Kilkenny, is an ancient borough by prescription, the charter whereof is not to be found, as appears by the certificate from the Rolls Office sent herewith.

That on the petition of John, then Lord Bishop of Ossory, stating, that all records, charters, and other authentic documents concerning the bishopric of Os-

sory, had been embezzled and lost in the troubles which took place in Ireland during the usurpation of Oliver Cromwell, his late majesty, King Charles the Second, granted letters patent, bearing date the 27th of April, in the twenty-ninth year of his reign, unto the said John, Lord Bishop of Ossory, for the purpose of confirming unto him and his successors all the property, rights, and privileges which before that time had belonged to the said bishopric.

That the said patent confirms unto the said Bishop of Ossory and his successors (among other things) the lordship and manor of Newcourt, otherwise Irish-towne, in the county of the city of Kilkenny, with all the rights and privileges thereunto belonging.

That the said patent, after reciting that the said borough of Irishtowne was holden of the Bishop of Ossory, as of his manor of Newcourt, in free burgage, by the yearly rent of £4. 16s. 10½d. Irish, and suite of court, and other services therein set forth; that it consisted of a portrieve, burgesses, and commons, and had enjoyed all the several rights, liberties, and privileges of a corporation therein set forth; and that Sir William Flower, knight, and Oliver Wheeler, esquire, were elected burgesses of the said corporation, and did accordingly serve as members thereof in the parliament held at Chichester-house, Dublin, in the thirteenth year of the reign of King Charles the Second; grants, ratifies, and confirms unto the Bishop of Ossory and his successors, and to the said portrieve, burgesses, and commons, and their successors, all their liberties, rights, privileges, franchises, and

customs, in as full and ample a manner as they might exercise or enjoy the same by virtue of any former letters patent, or act of parliament, or any prescription, custom, right, or title whatsoever. All which will more fully appear by the said letters patent, under the great seal of Ireland, in the possession of your memorialist, and ready to be produced (if required); which letters patents were duly enrolled in the Court of Chancery, in this kingdom, on the 1st day of October, in the said twenty-ninth year of the reign of King Charles the Second; an attested copy whereof is herewith laid before you.

That the said borough of Irishtown has continued to return two members to parliament, from the Restoration down to the present time.

That your memorialist lays before you two corporation books; the first book contains the acts and proceedings of the corporation from the 6th of May 1661, (long previous to the date of said patent,) to the 13th of January 1718; and the second book, from the 16th of January 1718, to June 1799, to which your memorialist begs leave to refer.

That the corporation book containing the proceedings from the said month of June 1799 to the present time cannot conveniently be submitted to your consideration till after the eleventh day of October next, on which day it will be necessary to record in it the swearing of the portrieve for the ensuing year; after which your memorialist will lay it also before you, if you think fit to require it.

That the corporation of the said borough consists of

a portrieve, burgesses, and commons, or freemen, as they are more usually called.

That the Bishop of Ossory has always been considered as *the patron and founder of the said borough*, and as such has from time immemorial *exercised very peculiar powers over the same*; the corporation, in their resolutions and addresses, have styled themselves "*his ancient corporation,*" and him their "*patron,*" particularly in an address presented by them to *Bishop Vesey in the year 1718*, in which they thank him for his paternal care of them in defending the rights of the borough, "which," they say, "was procured and founded by your pious predecessors, Bishops of Ossory, confirmed at their instance by royal sanctions, and transmitted down to us through a tract of so many ages by the same religious hands," &c. See second corporation book, page 31, and the original address sent herewith.

That the custom and usage for appointing and swearing a portrieve for the said borough has been from time immemorial as follows: The majority of the board of burgesses, assembled on every 21st day of September, nominate three or more burgesses as candidates to the body of the corporation, *for their presentment of two of them to the Bishop of Ossory, for his approbation of one to serve as portrieve* for the ensuing year (see second corporation book, page 110); and on Saint Canice's day, the 11th of October following, the candidate approved of by the bishop is sworn into office before him. In the absence of the bishop, the candidates are presented to the head-seneschal of the

bishop, or to some other person specially appointed by the bishop for that purpose, who approves of and swears in one of the candidates. This appears from the uninterrupted entries in the corporation books, in which the bishop (or his seneschal, or other person specially appointed) has regularly *signed his approbation of one of the candidates at every election of a portrieve* from the year 1661 down to the present day.

That in the first corporation book, page 16, it appears, on the 26th of April 1666, Griffith, Lord Bishop of Ossory, did make election of Mr. George Oliver to serve as portrieve instead of the late deceased William Davies for the remaining part of that year, to take his oath according to the usual manner, without any election by the burgesses and freemen.

That in the same book, page 61, is the following entry: "I, William Connel, gentleman, head-seneschal of the Lord Bishop of Ossory, for several causes and considerations me thereunto moving, do continue the election of the portrieve for the next ensuing year until this day se'nnight. Given under my hand the 21st of September 1676;" and on the second of October following, the said William Connell elected Richard Connell to be portrieve.

That in the same book, page 268, is the following entry: "September 21st, 1711. This day, in consideration of the Lord Bishop of Ossory's absence in England, whose landing is daily expected, in hopes to hear from him in a post or two, the court adjourned the election to this day se'nnight."

That by immemorial custom, *part of the oath of office taken by the portrieve is to be true to the interest of the Bishop of Ossory.*

That for a long series of years past, all elections of members of parliament have *been held in the bishop's palace-yard, and all other assemblies of the corporation in his hall.*

That the board of burgesses consist of twenty-three, including the portrieve, as appears by the annexed list of their names.

That the burgesses have always *been elected at the recommendation of the Bishop of Ossory*, and friendly to his interest ; and that such of them as he wished have from time to time *resigned their places to make room for such of his friends as he wished to introduce into the board.*

That on the 28th of November 1700, a bye-law was made, by which it was enacted, that all persons chosen burgesses should *have their elections confirmed by the Bishop of Ossory* within two months, *otherwise the said election to be null and void.* See the first book, page 179, and the approbations of the elections of all burgesses, regularly signed by the bishop (or his senechal in his absence) in the corporation books from that time for above thirty years, though that practice has been since discontinued.

That all freemen are elected by the majority of the board of burgesses, when the portrieve and twelve burgesses at least are present ; and persons so elected, when they have taken the usual oaths, are entitled to vote for members of parliament ; the burgesses and these freemen are the only electors.

That no qualification with regard to property, residence, or service within the borough, is required in a freeman, nor was any person ever known to claim or enjoy the privilege of voting, or any other privileges of a freeman, in right of any property, residence, or service within the said borough; on the contrary, hardly one inhabitant of the borough is at present a freeman.

That the constant practice has been for the Bishop of Ossory *from time to time to recommend to the burgesses as many of his friends as he thought proper, and they have constantly been admitted as freemen*; this circumstance has always secured *the bishop's influence among the freemen.*

That the great irregularity with which many of the entries of admitting and swearing freemen have been made, and the uncertainty of how many of those who have been elected are still alive, and how many have taken the necessary oaths, render it impossible to ascertain exactly how many electors might claim a right to vote in case of a contested election: but the influence of the Bishop of Ossory has always been so powerful, *that all members of parliament, as well as the portrieve, burgesses, and freemen, have been uniformly elected at his recommendation, without one instance to the contrary.*

That the circumstances above mentioned have GIVEN THE BISHOPS OF OSSORY SUCH ADDITIONAL CONSEQUENCE, AND OBTAINED FOR THEM SO MUCH ATTENTION FROM GOVERNMENT, THAT THE BISHOPS OF THAT SEE (with the exception of only two bishops,

who lived a very short time after their appointment),
FOR ABOVE A CENTURY PAST, HAVE ALL BEEN TRANSLATED TO MUCH MORE ELIGIBLE BISHOPRICS.

That by the union your memorialist is deprived of that influence and consequence which his predecessors have always enjoyed, and from which they *derived great advantage*, and considers himself as the only person *who has sustained any loss*, or can claim, by the terms of the late act of parliament, any allowance in respect to the said borough of Saint Canice, otherwise Irishtown, on account of his ceasing to return any member to parliament after the union between Great Britain and Ireland.

Your memorialist therefore submits to your consideration his claim for such allowance as he is entitled to under the late act of parliament.

HUGH OSSORY.

St. Canice, Kilkenny, Sept. 8th, 1800.

No. XXVI.

CHARTER OF LUCAS, ARCHBISHOP OF DUBLIN, TO
HIS BURGESSES OF RATHCOOLE.

Universis Xpi fidelibus psens sc̃ptum visuris
vel audituris LUCAS DEI GRATIA DUBLIN' A'E'PUS
saltem in Dño. Noveritis nos de consensu &
assensu caploꝝ nroꝝ Sanct̃ Trinitať & Sanct̃ Pa-
tricij concessisse BURGENSIBUS N'RIS DE RADCULL
communiam in monte de Slestoll unacum hōibus
nris de Nova Villa tam in *turbariis quam in pas-
turis* sicut Gilleholmoc cum aliis p̃bis hōibus eam
tempe J. bone memorie quondam Dublin Aēpi
p̃decessoris nri deambulavit p̃ fosseliū q̃ se ex-
tendit ex pte orient̃ de terra dñi Regis de Stacs-
gard linialiter usq; ad Greistone & a Greistone
usq; ad terram monialium de Hokkes juxta
Dublin versus occidentem: retenta tamen ip̃is
de Nova Villa pp̃a pastuř sua que jacet inter
Creiston & Novam Villam & extendit se usq; ad
pp̃iam pasturam de Radcull ex una pte et ex
alt̃ra pte usq; ad terram dictarum monialium.
Et si forte dñicū terre de Radcull in manu nra
cepimus *comunicabimus cum eis in dicta pastura
& turbaria* quantum ad dñicū nrm ptinebit: Te-
nend̃ & habend̃ de nobis & suc̃corib; nris sibi &
heredibus suis libere & quiete plenarie integre
pacifice & honorifice p̃ m̃or solidis argenti nobis
& suc̃corib; nris annuatim reddend̃ ad duos t̃mi-
nos anni mediet̃ ad fest̃ S̃ci Mich̃is & mediet̃ ad
Pascha p̃ om̃ñ servitio exactione & demanda. In
cujus rei, &c.

No. XXVII.

INQUISITION FINDING THE ORIGINAL CREATION OF
THE CORPORATION OF DUNDALK BY LORD THEO-
BALD DE VERDUN.

Dñs Rex mand̃ justic̃ hic, &c. quoddam bre suum clausum in hec verba: Edwardus Dei gratia Rex Angl̃ Dñs Hibñ & Dux Aquit̃ dilco & fid̃ suo Johñ Wogan justic̃ suo Hibñ vel ejus loč tenenti sal̃m. Mandamus voč qđ p sacrm pboř & legař homiñ de balliva vřa p quod rei veritas melius sciri poterit diligent̃ inquiratis si sit ad dampnum vel pjudicium nřm aut alioř si concedamus Priori domus Sđi Leonardi de Dundalk qđ ipe quatuor acras pasture cum pertineñ in Nova Dundalk quas sibi & sucčorič suis de cōitate pdče ville de Dundalk licentia đni E. nup Reg̃ Angl̃ p̃ris nři seu nřa sup hoc non optenta in feodo adquisivit et que ocčone transgressionis illius capte sunt ut accepimus in manū nřam reñere possit & tenere sibi & sucčorič suis pdčis de nob̃ & hered̃ nřis p švicia inde debita & consueta imp̃pm Et si sit ad dampnū vel pjudicium nřm aut alioř tunc ad quod dampnum & quod pjudicium nřm & quod dampnū & quod pjudicium alioř & quor̃ & qualiř & quo modo et de quo vel de quib̃ pdča pastura teneat' & p quod švicium & qualiř & quo modo & q̃ntum valeat p annū in omib̃ exitib̃ & si pdča pastura

de nob̄ teneat̄ et si de alio & si de nob̄ tunc p
quod ſviciū & qualiter & quo modo & si de alio
tunc de quo vel de quib̄ & p quod ſviciū &
qualiter & quomodo & q̄ntum valeat p añ in
oib̄ exitib̄. Et inquisicōem inde distincte &
aperte factam nob̄ sub sigillo vestro & sigill̄ eoꝝ p
quos facta fūit sine dilone mittatis et hoc bre.
T. me ip̄o ap̄d London xxvij^o die Julij a^o r. n̄ vj^{to}.

Pretextu cujus mandati ꝑcessum est ad inquisi
capiend̄ &c. in forma que sequit̄.

Inquisicō cap̄t apud Drogheda ex pte Loueth
die Mercurii in festo S̄ci Nich̄ coram Edmundo
le Botiller custode t̄re Hib̄n a^o r. R. Edw. fit
R. E. vjⁱ. &c. Qui jūr dīc sup sac̄m suū qđ non
est ad dampnum vel ꝑjudiciū dñi Reġ aut alioꝝ
si dñs Rex concedat Priori domus S̄ci Leonardi
de Dundalk quod ipse rehabere possit & tenere
sibi & successorib̄ suis d̄cas iiij acras pasture cum
pertinent̄ in Nova Dundalk in forma ꝑd̄ca set
potius est ad commodum dñi Reġ & alioꝝ qđ
ꝑd̄cus Prior & suc̄ores sui reheant ꝑd̄cas iiij
acras pasture cum p̄tiñ imp̄m quia p hoc plures
capp̄l̄nos divina p animā tam Regum Anḡt
ꝑgenitoꝝ dñi Reġ nunc & animā oīum alioꝝ
fidelium defunctoꝝ in prioratu domus S̄ci Leo
nardi de Dundalk celebra . . . de cetero sustin̄e
possunt qm̄ antea sustinere consueverunt. Di
cunt etiam qđ antecessores Theobaldi de Verduno
militis *cito post conquestum* Hib̄n qui fūerunt
dīsas t̄ras in Urgalia *primo [incorporaverunt] vil
lum de Dundalk & ibi fecerunt diversos burgenses*

& ipsos feoffaverunt de diversis burgagiis
*. . . . *as & bundas eis assignaverunt reddendo*
eis & eoꝝ heredeꝝ duodecim denaꝝ de quoꝛt [bur-
gagio] pꝫ oĩbꝫ ſviciis. Et preterea concesserunt
eisdꝫ burgenſꝫ certa tenementa pꝫdꝫe ville
ad communiam pasture ibidem habendam & pro in
diviso tenendam imperpetuum absqꝫ aliquo [redditu
seu] ſvicio quocunqꝫ eis vel heredibus suis pꝫ hujus-
modi communia pasture faciendo. Et [predicte]
quatuor acre cum pꝫtiñ fueꝛnt quedam pars comũe
pasture ville pꝫdꝫ. Et dicunt ville
pꝫdꝫe tenent sia &
totam communiam pꝫdꝫam pasture de Theobaldo
. feoffa . . antecessor iꝫpius Theobaldi
reddendo eidꝫ Theobaldꝫ de quoꝛt
duodecim deñ pꝫ añ pꝫ oĩmĩ ſvicio ut pꝫdꝫm est.
Et pꝫ comunia pasture
. . . . pasture cum pꝫtiñ fuĩt una pars quem
de pꝫdicĩ
. Et dič qđ Prior S. Leonardi
de Dundalk adquisivit pꝫdꝫas quatuor acras pas-
ture
coĩtate ville de Dundalk ex unanimi assensu
. Prioꝛ & suc-
coꝛiꝫ in liberam puram & perpetuam elemosynam
. absqꝫ lic . .
.
cum pertineñ adquisivit post pupplicacõem sta-
tuti dñi E. Regis pꝫis dñi Rſ nunc de tꝫis & teñ
ad mañ mortuam non ponendꝫ editi Escheator

* Defaced in the original Roll.

đni Regis in Hibñ pdčas quatuor acř pasture cum pertinentĩ seisivit in mañ đni Rš in cujus manus adhuc existunt occone pdča. In cuj^o rei testiñ juř pdči huic inquisicōi sigilla sua apposueř. Et sciend qđ pdča inquisicio unacum bři libantur Ade Godman attorñ pdči Prioris deferend đno Regi in Angl.

No. XXVIII.

BILL WITH THE ROYAL ASSENT, SENT INTO IRELAND
IN 1641, FOR ESTABLISHING A PROVISION FOR THE
POOR IN THAT COUNTRY, AS ENTERED IN CHANCERY.

An acte for the reliefe of poore orphants, and such
lame, olde, blinde, and impotent persons as are
poore and not able to worke, and for the punish-
ing of rogues, vagabonds, sturdybeggars, and
idlers, and setting them to worke.

BEe it enacted by the king's most excellent majestie,
with the assent of the lords spirituall and temporall,
and the comons in this present parliament assem-
bled, and by the authoritie of the same, that the
parson, viccar, or curate, the church wardens, the con-
stables, *and householders of every parish* within this
realme shall yearely, upon Munday or some other day
in Easter week, assemble themselves in some conve-
nient place within the parish, and that they or such
or the more parte of them that shall bee there assem-
bled shall then electe and choose fower, three, or two
honest and substantiall householders of the parish, as
shall be thought meete, having respect to the propor-
cion and greatnesse of the same parish, to be over-
seers of the poore of the parish for the yeare then
next following, who shall be called overseers of the
poore of the same parish; and shall then likewise
electe and choose some fitting person or persons to

bee beedell or beedells of the said parish for that yeare, for the apprehending of strange and vagrant beggers cominge within the parishe, and bringing them to justice, and for the better ordering of the poore people of the parish; and that the parson, viccar, or curate, the churchwardens, overseers of the poore, the constables, and three or more able and substantiall householders, and the beedell or beedells of the poore in every parish within this realme, shall yearely in Easter weeke make diligent search within the lymitts of their severall parishes respectively, and enquire of all such poore people living within the parish as are able to worke, and yett use noe ordinary and dayly trade of life whereby to gett their living, and also of all children within the parish whose parents are not able to keep and maintaine them, and alsoe *of all orphans, and of all such lame, olde, blinde, and impotent persons as inhabite within the parishe, and are poore and not able to relieve themselves, but of necessitie be compelled to live by almes and charitie of the people;* and shall, upon that search made, make a register booke containing the names and surnames of all the said poore people living within the parish, and therein to sett down which of them are able and fitting to be sett on worke and earne their living, and which of them ought to be relieved at the charge of the parish, which booke shall always remaine with the overseers of the poore of every parish respectively; and when the number of the poore people living in the parish bee by that meanes truely knowne, then the parson, viccar, or curate, churchwardens, overseers of the

poore, the constables and householders in every parish, shall againe in the said Easter weeke, or in the week next following, yearly assemble themselves in some convenient place of the parish, and such of the said persons as shall bee there assembled, or the greater number of them that are present at the said assembly, shall then and there, having regard to the abilitie of the parish, and to the number of the poore people that are to be sett on worke or provided for within the parish, by their good discretions rate, taxe, and asseesse all and every the able inhabitants dwelling in the parish, and others who shall have any house or houses, lands, tenements, rents, tythes, profitts, comodities, and other hereditaments in the same parish, in such competent some or sumes of money as they shall think fitt, to be weekly, monethly, or quarterly paid, for a convenient stock for necessities and stuffe to sett such poore aworke as are able to labour, and for reliefe of poore orphants in the parish, and binding them apprentices, and for helpe and mayntenance of such lame, old, blind, and impotent persons inhabiting within the parish as are poore and not able to worke nor relieve themselves, and for a competent and fitting salary for the said beedell or beedells; and shall likewise sometye in the said Easter week, or in the said week next following, cause the said taxacion soe made to be fairely written in a rolle indented and signed by fower or more of them that made the said taxacion, the one parte whereof to remayne with the parson, viccar, or curate, or churchwardens of the parishe to be safely kept, and the other parte to be delivered to

the overseers of the poore soe elected and chosen as aforesaid, who shall receive the same, and shall have full power and authoritie by vertue of this acte to collect and receive all and every the somes of money therein contained, and to distrayne every such person and persons as shall be taxed and written in the same rolle for the sume therein sett upon him or her in his or her goods and chattells, if upon demaund thereof hee or shee shall not paye the same; and shall likewise, if the said distresse bee not redeemed within six daies, sell the said distresse, and retayne soe much money as the party distrained shall be taxed at, and shall restore the overplus to the overseer; and the constables of every parish are hereby charged and required to be ayding and assisting unto the overseers of the poore in the taking of such distresses, and for the apprehending of such persons as hinder the takeing of such distresse or rescue the same, and bringing them before the next or some other justice of the peace of the same countie, who, upon examination of the matter, shall binde over the parties soe offending unto the next quarter sessions, if in his discession he find cause soe to doe, or else comitte them to prison until they finde sureties for their apparance at the next general quarter sessions to bee held for the countie wherein the parish is, and there to abide and performe such order as the justices of the peace upon hearing of the cause in their open sessions shall make therein; and in case any person or persons taxed as aforesaid shall not upon demaund pay the said taxation, and the said overseers of the poore cannot finde a

sufficient and overt distresse of his or their goodes and chattells for the same, then it shall be lawfull for the said overseers of the poore to arrest and attache the body of every such person and persons soe not paieinge, and to bringe him and them before one of his majesty's justices of the peace, who is to comitte him and them to the goale untill such tyme as he or they shall either satisfie and paie the said taxacion, or finde sureties for his and their appearance at the next generall quarter sessions to be held for the county wherein the said parish is, and there to abide and performe such order as the justices of the peace upon hearinge of the cause in their open sessions shall make therein; and all constables and other his majesty's officers are to be ayding and assisting unto the said overseers of the poore in arresting of the said persons, and conducting them before the said magistrate and to the goale as aforesaid. And bee it further enacted by the authoritie of this present parliament, that if any action of trespassse or other suite shall happen to bee attempted and brought against any person or persons for taking of any distresse, making of any sale, arresting of any person, or for doing any other acte by authoritie of this statute, the defendant or defendants in any such action or suite shall and may either pleade not guiltie, and give the speciale matter in evidence, or otherwise make avowry, cognizance, or justificacion for the taking of the said distresses, making of sale, arrest, attachment, or other acte, by vertue of this statute, alleainge in such avowry, cognizance, or justificacion, that the said distresse, sale, trespass, arrest, attachment,

or other thing whereof the plaintiffe or plaintiffes complained was done by authoritie of this acte, without any expressing or rehersall of any other matter or circumstance contayned in this statute, to which avowry, cognizance, or justificacion the plaintiff shall be admitted in reply that the defendant or defendants did take the said distress, made the said sale, arrest, attachment, or did any other acte or trespasse supposed in his declaration of his or their owne wrong, without any such cause alleadged by the said defendant or defendants, whereupon the issue in every such accion shal bee joyned to be tried by verdict of twelve men, and not otherwise; and upon the trial of that issue, the whole matter to bee given on both parties in evidence according to the truth of the same; and after such issue tried for the defendant or defendants, or nonsuite of the plantiffe after appearance, the said defendant and defendants to recover treble damages by reason of his and their wrongfull vexacion in that behalfe, with costs alsoe on that parte susteyned, and that to bee assessed by the same jury, or by writt to enquire of the damages, as the same shall require. And be it further enacted by the authority aforesaid, that if any person or persons shall conceive him, her, or themselves to bee grieved or overburthened by any taxation, cesse, or other acte done by virtue or authoritie of this statute, then upon complaint thereof made to the justices of the peace of the countie wherein the said parish lyeth, at their generall quarter sессeons, the said justices of the peace, or the more parte of them present at the said

quarter sessions, shall have power by this acte to call the parties before them, and upon examinacion of the cause in open court, and of the witnesses produced on both parts upon oath, which they or any of them shall have power to administer by vertue of this acte, summarily to hear and finally to determine the same, according to their discretions; and what order they shall make therein, the same to conclude and binde all the said parties, and to be putt in execucion by warrant of the said justices, by imprisonment of the parties until they conforme themselves thereunto, or by distresse and sale of the distresse, restoring the overplus, or by any other good and expedient wayes and meanes. And bee it further enacted by the authoritie aforesaid, that the said overseers and orderers of the poore shall from time to time, by and with the advise and consent of the parson, viccar, or curate of the parishe, and the churchwardens, and three or more honest and substantiall householders of the parishe, or the greater number of them, take order for the setting to worke the children of all such whose parents shall not by them, or the greater part of them, be thought able to keepe and mayntain them, and also for setting to worke all such persons married and unmarried, which, having no means to maintayne themselves, use noe ordinarie and daily trade of life whereby to gett their livinge; and shall likewise, by like advise and consent as aforesaid, with the said moneys, taxed, levyed, and received as aforesaid, provide a fitt and convenient stocke of flax, wooll, threed, iron, or other necessarie ware and stufte, to sett the

poor people of the parish on worke, and shall sett them on work thereon; and shall likewise with the said moneys relieve such orphants, and such lame, old, blind, sick, and impotent persons, and such others within the said parish as are poore and not able to worke; and shall alsoe, by like advise and consent, putt out and binde such poore childeren to be apprentizes, where they shall see convenient, until such man child shall come to the age of fower and twentie yeares, and such woman child to the age of one and twenty yeares, or bee married, which binding shall be as effectual to all purposes as if such child were of full age, and by indenture of covenant bound him or herselfe; and that all persons to whom the said overseers of the poore shall, according to this acte, binde any children apprentizes, shall and may take and receive and keepe them as apprentizes, any former statute or law to the contrary notwithstanding. And be it further enacted by the authority aforesaid, that the parson, viccar, or curate, the churchwardens, overseers of the poore, constables, and three or more honest and substantiall householders of every parish, or such of them as shall not bee lett by sicknesse or other just cause, shall meete togeather att the least once every moneth in the church of the said parish upon Sunday in the afternoone, after divine service, there to consider of some good courses to be taken, and of some meete orders to be sett downe, as well for the disposing of the moneys taxed, as alsoe of the stocke, and for setting and keeping the poore of the parish at worke, as

otherwise concerning the premisses ; and shall putt such orders in wrighting as shall be there agreed upon; and that the said overseers of the poore shall doe and execute, or cause to be done and executed, what there shall be reasonably determined, ordred, and sett downe, and all and every such other things concerning the premisses as shall be necessary, behovfull, or convenient for the due execucion of this statute ; and if any the poor persons aforesaid, which by the intent and true meaning of this statute ought to be bound apprentice, or otherwise sett aworke, shall be appointed thereunto by the said overseers of the poore, and shall either refuse to worke or to bee bound apprentice according to the said appoyntment, or shall not imploy him, her, or themselves to worke, or shall misuse, misimploy, or mispend the stuffe or materialls delivered them to worke, or shall not redeliver the same well wrought, according to the appointment of the said overseers of the poore, or shall not well and truely behave him, her, or themselves in their services and apprentishippes as true, honest, faithfull, and industrious servants and apprentizes, then the said overseers of the poore, and the constables of the parish, or some of them, shall apprehend and bring, or cause to bee apprehended and brought, the said delinquent and delinquents before some or *one of his majesty's justices of the peace of the countie* where they shall bee apprehended, who shall have *power by virtue of this acte to examine the same upon oath, and finding the same true, shall comitt the offenders to the house of correction or common goale, there*

to be whipped, and kept daily at worke for such reasonable tyme as the said justice of peace shall thinke fitting, for the punishment and reformation of the said offenders. And bee it further enacted by the authority aforesaid, that the said overseers of the poore shall, within one week after the end of their yeare, and after other overseers nominated, elected, and chosen as aforesaid, make and yield upp unto the parson, viccar, or curate of the parishe, the churchwardens of the said parish, and unto the said new overseers, or unto any three or more of them, a true, particuler, and perfect accompt of all somes of money by them received, or rated and assessed and not received; and alsoe of all such stocke as shall be in their hands, or in the hands of any of the poore to worke, and of the proceeds of the said stocke, and of all sumes of money by them disbursed, and for what cause, and to whome, and alsoe of all other things concerning their said office; and shall pay and deliver over to the overseers newly nominated, elected, and appoynted as aforesaid, all such stocke, and all such sumes of money as shall be in their hands, or wherewith they shall be charged upon the foote of their accompts by the auditors thereof; and if the said overseers or any of them shall not make a true accompt as aforesaid, or shall not deliver and pay all such stocke, and sume and sumes of money, to the new overseers as aforesaid, then upon complaint thereof made unto any of his majesty's justices of the peace of the countie wherein the said parish lyeth, and the same appeareing before him, either by con-

fession of the partie or parties, or by proove of two witnesses upon oath, which the said justice shall have power to administer by virtue of this acte, then the said justice shall committ the partie and parties so offending to the goale, there to remayne without bayle or maynprise until he have made a true accompt, and satisfied and paid so much as upon the foote of his accompt shall be charged upon him; and yf any person or persons nominated to be overseer or overseers of the poore according to this acte shall not take upon him and them the execucion of the said office, or taking the same upon him or them shall be remisse and negligent therein, then he and they soe offending shall lose and forfeit the sume of tenn pounds a peice; and if any the parties appointed by this acte to make their monethly meetings for the purposes aforesaid, shall absent themselves without lawfull cause from the same, or shall be negligent in providing for and prosecuting the due execucion of this acte, then every person soe offending shall forfeit for every such default of absence or negligence the sume of twenty shillings sterling; and if in any parish there happen to be hereafter noe such nomination of overseers yearly, as before is appointed, then every such parish where such default of nomination shall happen shall lose and forfeit for every such default tenn pounds. And be it further enacted, that if the inhabitants of any one parish be not able to levy amongst themselves sufficient sumes of money for the purposes aforesaid, then upon complainte thereof made unto the justices of the peace of the county

att their generall quarter sessions, they finding the same to bee true, may reasonably taxe, rate, and asseesse such other parishes within the said county to pay such sums of money as to them shall seeme reasonable for the purposes aforesaid ; and that it shall be lawful for the overseers of the poore of the parishe whereunto such contribution is made, by warrant from the said justices of the peace or two of them, to levy the said sums and contribucion by distresse and sale of the distresse as aforesaid ; and in default of distresse, it shall be lawful for any two such justices of the peace to committ the parties refusinge to paye to the goale, there to remayne without bayle or mayneprise untill payment bee made of the said sume. And be it further enacted by the authority aforesaid, that the father and grandfather, and the mother and grandmother, and the children of every poore, blind, old, lame, and impotent person, or other poore person not able to worke, being of sufficient abilitie, shall at their owne charges relieve and maintaine every such poore person in that competent manner and according to that rate as by the parson, viccar, or curate, and the churchwardens and overseers of the poore where such sufficient persons dwell, or the greater number of them, at their monethly meetings, shall reasonably be appointed and assessed, upon payne that every of them shall forfeit twenty shillings for every moneth which they shall fayle therein. And be it further enacted, that it shall and may be lawfull for the said overseers of the poore, by and with the advice and consent of the parson, viccar, or curate of the parishe,

and the churchwardens and parishioners of the same, or the greater number of such of them as shall be assembled, att the monethly meeting for those affaires, and according to such order as there shall be sett downe, to build *within any the wastes or commons within the said parish*, with the consent of the lords of the soyle, *convenient places of habitation for the said poore people* of the said parish to dwell in, and to place or more families then one in any such house or cottage, any former law or statute to the contrarie notwithstanding ; which houses and buildings for the poore shall not at any time be used or employed to or for any other habitation, upon payne of forfeiture of fortie shillings for every moneth that any such house or buildings or place shall be employed or used for any other habitation then for the said poore as aforesaid. And bee it further enacted by the authoritie aforesaid, that the overseers of the poore, the constables of every towne or parishe, the bedell and bedells, or other officer or officers of any parishe, warde, or place, where any rogue, vagabond, sturdy beggar, or other idle person shall at any time hereafter bee taken begging, vagrant, wandring, or misbehaving themselves, shall cause them to be apprehended, whipped, and stocked, or otherwise to bee carried before some or one of his majesty's justices of the peace, by their discretion to bee conveyed and comitted to some house of coreccion, there to remaine and to bee employed in working untill hee or they shall be placed in some service, or otherwise bee enlarged by the justices of the peace at their gene-

rall quarter sessions, and sent to the parish where they were born, or lived last by the space of three years, to bee sett on worke or relieved, as the case shall require ; and if the said officers or any of them be negligent to doe his or their best endeavour for the apprehension of every such rogue, vagabond, vagrant, and wandering poore or sturdy begger coming within their limitts, then hee or they in whome such default shall bee, shall, upon complaynte thereof made unto any of his majestie's justices of the peace, be bound over to answer his contempt or neglect in that behalfe att the next quarter sessions to be holden within the county, there to receive due punishment upon his confession or conviction of the said offence ; and if he shall refuse to be bound to answer att the next quarter sessions, then it shall bee lawfull for such justice of the peace to comitt him to the goale, there to remaine untill such time as he finde securitie to appear and answeare as aforesaid ; and if any person or persons shall in any wise disturbe or hinder the execucion of this statute, by makeing rescues against any officer or other person authorized by this acte for the due execucion of any of the premisses, the same person soe offending shall, upon complaint and prooffe thereof made before any of his majesty's justices of the peace, bee bound to the good behaviour, and further punished by indictment upon this statute as the cause shall require. And bee it further enacted by the authority aforesaid, that all and every justices of assize, justices of oyer and terminer, and justices of the peace in their open sessions shall inquire of,

heare, and determine all and every offence, matter, and cause that shall come, growe, and arise by reason of this statute, and to asseesse such reasonable fines for the same as unto them shall be thought meete, and shall and may upon just and reasonable cause moderate all and every or any of the before-mencioned penalties or forfeitures mencioned in this statute, according to their good discretions ; and that all penalties, sume or sumes of money forfeited or to be imposed for any cause within this statute, shall be by warrant of the said justices respectively levied in every parishe by the overseers of the poore within that parish for the tyme being, by distresse and sale of the distresse ; unless it be in cases where themselves are delinquents, in which cases the leavie shall be as aforesaid by the churchwardens of the said parish ; and the moneys soe levied shall be imployed to the onely use of the poore of the said parishe, and not otherwise. And be it further hereby enacted, that the *maior, recordor, sheriffs, and aldermen of the citie of Dublyn, and everie of them, and the maiors, bayliffs, or other head officers of every other towne and place corporate and citty within this realme*, shall have the same authoritie by vertue of this acte, within the lymitts and precincts of their jurisdictions, as is herein limited, prescribed, and appoynted to any one or more of the justices of the peace of the countie ; and that they in their quarter sessions or publick assemblies may doe and execute whatsoever the justices of the peace in their quarter sessions may doe and execute for all and every the uses and

purposes in this acte prescribed. And be it alsoe enacted by the authoritie aforesaid, that if it shall happen any parish to extend itself into more counties then one, or parte to lye within the liberties of any citty, towne, or place corporate, and part without, that as well the justices of the peace of every countie, as also the head officers of such cittie or place corporate, shall deale and intermeddle only in so much of the said parish as lyeth within their liberties or jurisdictions, and not any further; and every of them respectively within their severall lymitts, wards, and jurisdictions, to execute the ordinances before mencioned; and yett nevertheless the said parson, viccar, or curate, the churchwardens, overseers of the poore, householders, and bedell or bedells of the said parishes that doe extend unto several counties, lymitts, or jurisdictions, shall, without deviding themselves, duly and respectively execute all that by vertue of this statute unto them belongeth, in all places within the said parishes respectively. And because it is foreseene by this present parliament, that it will much avail to the good, peaceable, and prosperous government of this common wealth, that rogues, vagabonds, idlers, and sturdy beggers bee duly punished, the impotent poore orderly releived, and idlers sett on worke to gett their livinge by their owne hands, and not suffered to live idely upon other men's labours; and that it is in a manner impossible by one lawe to provide sufficient remedies for all the occurrents that may happen, and bee necessarie to be provided for: bee it therefore enacted by the authoritie of this

present parliament, that whatsoever acte or acts of state or other ordinances the right honourable the lord lieutenante, lord deputy, lords justices, or other cheife governor or governors of this realme for the time being shall, after the end of this parliament, by the advice and consent of his majestie's right honourable privie counsell of this realme, make, ordeine, sett downe, and publish by proclamacion, either for the better and speedier execucion of this statute, or for the punishing, setting on worke, or relieving any the persons aforesaid, or any other poore people of this kingdome, or against the comeing and transporting of strange beggers into this kingdome out of any foreigne partes beyond the seas, or otherwise concerning the poore or idle people of this realme, and all the penalties and forfeitures therein to bee conteyned, shall bee putt in due execucion according to the provisions of the said acts and ordinances, and be of force until the next parliament; and then such of them to bee enacted as, by the experience and triall thereof had, shalbe found expedient for the common wealth.

No. XXIX.

COMMISSION ISSUED BY KING JAMES I. IN 1622, TO
ENQUIRE INTO THE STATE OF THE CHURCH, THE
LAW AND REVENUE, AND CORPORATE PROPERTY IN
IRELAND, AS ENROLLED IN THE ROLLS CHAPEL.

*De commissione speciali ad stabiliendum regimen in
Hibernia.*

JAMES, by the grace of God, King of England, Scotland, France, and Ireland, Defender of the Faith, &c. To our right trustie and right welbeloved our DEPUTY OF OUR REALME OF IRELAND for the tyme being; SIR ADAM LOFTUS, knight, LORD CHAUNCELLOR of our realme of Ireland; the Most Reverend Father in God, CHRISTOFER LORD ARCHBISSHOPP OF ARDMAGH, primate and metropolitan of Ireland; OLIVER VISCOUNT GRANDISON of Limrick; CHARLES VISCOUNT WILMOTT, lord president of Connaght within our said realme; TOBY LORD CALFEILD, maister of our ordinance within our said realme; and to our trustie and welbeloved SIR WILLIAM JONES, knight, one of our JUSTICES OF OUR COURT OF COMMON PLEAS WITHIN OUR REALME OF ENGLAND; SIR DUDLEY NORTON, knight, one of our principall secretaries of estate for our said realme of Ireland; SIR FRAUNCIS ANNESLEY, knight and baronett of our said realme of Ireland, one other of our principall secretaries of state for the said realme; SIR FRAUNCIS BLUNDELL, knight and baronett of our said realme of Ireland; SIR WILLIAM

PARSONS, knight and baronett of our said realme of Ireland, surveyor generall of our said realme ; SIR DUDLEY DIGGS, SIR JOHN JEPHSON, SIR THOMAS PENRUDDOCK, SIR JAMES PERROTT, SIR THOMAS PHELLIPPS, SIR NATHANIELL RICHE, SIR HENRY BOURCHIER, knights ; THEODORE PRICE, Doctor in Divinitie ; THOS. CREWE and RICHARD HADZOR, esquiers, greeting :—

As our great and princely care and desire to advance the flourishing estate of our realme of Ireland hath many wayes appeared, soe it is our constant resolution uppon all occasions to expresse the continuance of the same zeale and affection in perfecting that soe glorious a worke, whereof God hath made us (above any our predecessors) a principall instrument ; and foreseeing in our royall providence that, as a cheefe meanes to produce soe good effects, it behooveth us to lay such grounds and prescribe such wayes and courses as may tend to the advancement of religion and justice, the removing of greivances, increasing of trade, settling of plantacions, and securing of that kingdome, wee have determined to use all diligence both in the finding out and following those meanes : for the better effecting of all which premisses, being matter of great weight and importance, we thinke it most fitt that some persons of trust, understanding, and judgement be employed to discern, discover, and fynde out the whole state of the premisses, and all materiall circumstances touching the same ; uppon whose informacion, certificat, and satisfaccion given unto us, wee may proceede to the effecting thereof, as we shall judge most requisite.

Knowe yee therefore, that we, reposing assured trust and confidence in the approved wisdomes, fidelities, and circumspeccions of you the said Deputie of our said realme of Ireland for the tyme being, Lord Chancellor, Lord Archbishopp of Ardmagh, Viscount Grandison, Viscount Wilmott, Lord Calfeild, Sir William Jones, Sir Dudley Norton, Sir Frauncis Annesley, Sir Frauncis Blundell, Sir William Parson, Sir Dudley Diggs, Sir John Jephson, Sir Thomas Penruddock, Sir James Perrott, Sir Thomas Phelipps, Sir Nathaniell Riche, Sir Henry Bouchier, Theodore Price, Thomas Crew, and Richard Hadzor, have assigned and appointed you to be our commissioners. And wee doe hereby give unto you, or any eight or more of you, (whereof some of you the said Deputy for the tyme being, Lord Chauncellor, Lord Archbishopp of Ardmagh, the Viscount Grandison, Sir William Jones, Sir Dudley Diggs, Sir Thomas Penruddock, Sir James Perrott, Sir Thomas Phelipps, Sir Henry Bouchier, and Theodore Price, to be fower,) full power and authority from tyme to tyme, as well by examinacion of any witnes or witnesses uppon oath or without oath, as by all other lawfull wayes and meanes whatsoever, to enquire and informe yourselves what and how many parishes and churches be within our said realme of Ireland; which and how many of the said churches be presentative, and which are appropriate, and which of those appropriacions be good and avayleable in lawe and which not; how those parishes are served, and churches supplied with ministers, incumbents, and curates, and how the cures of the said severall parishes are discharged; what

meanes or livinges the said ministers, curates, or incumbents have, from whome they receive it, and whether in the right of the church, or of the charity of other men, and of whome, and of what qualitie and condicion the said incumbents, curates, or ministers are, both for learning, life, and good conversacion; what appropriacions in church livinges have beene graunted or disposed by us, or any our progenitors or predecessors, kinges or queenes of England, to any person or persons, bodies politique or corporate, with any intent or direccion that they should provide that the church should be supplied with fitt and able ministers, and well maynteyned; and to consider of those graunts, and of the clauses, covenantes, and condicions of them; and to enquire by all or any the meanes aforesaid how the same have byn performed, and if not performed, in whose default the same hath byn, and whoe ought to performe the same; and to consider what churches are fitt and necessary to be repayred, reedified, or new built, and of the places where, and how provision shalbe made and meanes rayased to repayre, reedifie, or new build them, and mainteyne the cures thereof; and to consider what parishes and churches in respect of their nearnes and other conveniences are fitt to be united for the better service of the cure and maintenance of an able ministry, together with all necessary incidentes and circumstances touching the premisses; and generally to enquire and consider, by all or any the meanes aforesaid, of all other matters and things whatsoever tending to the lett, hindrance, or decaye of religion, or of the

church or churchmen in that kingdome, or of the necessarie mayntenance of a learned, godly, and religious ministry there, and how and by what meanes the same may with honor, justice, and conveniency be reformed and amended: and to that intent and purpose we doe hereby authorise you, or any such eight or more of you, to treat with any person or persons, owners of any appropriacions, for the setling a competent maintenance for serving the cure within such parish; and, with assent of the said owners, to conclude and determine the same, and take order for securing thereof accordingly. And wee doe alsoe hereby authorise and give power unto you, or any such eight or more of you as is aforesaid, as well by examination of any person or persons uppon oath or without oath, as by all other good and lawfull wayes and meanes whatsoever, to enquire and informe yourselves what lawes, statutes, ordinances, or provisions are now in force within our said realme of Ireland touching alienacions, charges, or incombrances made by bishopps, or other ecclesiasticall persons or corporacions, of any landes, tenementes, rentes, or hereditamentes apperteyning to their ecclesiasticall livinges or promotions; and what and how many alienacions, charges, or incombrances have byn made, permitted, or suffered of any such ecclesiasticall landes, tenementes, rentes, or hereditamentes, contrary to the said lawes, statutes, ordinances, or provisions, or otherwise; and by and to whome the same have bene made, permitted, or suffered, and at what tyme or tymes; and what value the same landes, tenementes, or hereditamentes soe

aliened be of; and generally of all other matters, circumstances, or thinges which you, or any such eight or moreof you, shall think fitt to be enquired of concerning the premisses; and to consider and propose by what good, just, and honorable means the same lands, tenementes, and hereditamentes may be reduced and restored to the church, as in former tymes they have byn, freed of the said incumbrances and charges. And likewise *we doe hereby give unto you, or any such eight or more of you as is aforesaid, like power and authoritie, as well by such examinacion uppon oath or without oath, as by all other good and lawfull meanes as aforesaid, to enquier, discover, finde out, and informe yourselves what landes, tenementes, rentes, or hereditamentes have byn given, limited, intended, or appointed by us, or any of our progenitors or predecessors, or by any other person or persons, TO ANY COLLEDGE, FREESCHOOLE, OR TO THE MAINTENANCE OF ANY CORPORACION, OR OTHER CHARITABLE OR PUBLIQUE USE OR USES within our said realme of Ireland, by whome the same have bene given, and when they were soe given, and where the same lye or be, and of what value they are, and to what colledge, freeschoole, corporacion, or other charitable or publique use or uses the same were given, limited, intended, or appointed; and what and how manyof the said landes, tenementes, rentes, or hereditamentes, or any rent or proffitt out of the same, now are, or sithence the first yeare of the raigne of the late Queene Elizabeth have byn, either wholie or in parte converted to the use of any private person or persons, or to any other use contrary to or varying from the right use or institucion to which the*

same were heretofore designed, appointed, limited, reserved, kept, used, or imployed ; and to what use they have byn soe imployed, and by whome and by whose meanes, and to whose benefitt and advauntage the same have bene soe converted ; and generally of all and every other matter and circumstance in any wise concerning the premisses, as to you, or any such eight or more of you as aforesaid, shalbe thought meete ; and alsoe to consider and fynd out by what good wayes or meanes the said lands, tenementes, rentes, or hereditamentes may be restored to the good, charitable, and publique uses, imploymentes, and institucions to which they were formerly designed. And alsoe we doe hereby give unto you, or any such eight or more of you as aforesaid, full power and authoritie, by such examinacion uppon oath or without oath, and by all or any other lawfull meanes, to enquire, examyn, and finde out all such matters or thinges as doe or may in any wise occasion the lett, hindrance, or decay of trade, traffique, and comerce within that kingdome, whether the same be occasioned by coullor or meanes of any charters, lettres patentes, graunts, commissions, leases, priviledges, monopolies, customes, or otherwise howsoever, and of all other matters concerning the premisses ; and to propose, consider, and sett downe what is fitt to be done, and the likeliest meanes to be used for enlargement of trade there, as well by removing the said lettes and impedimentes, as by giving comfort and incouragement to trade and traders. And alsoe we give you, or any such eight or more of you as aforesaid, like authoritie, by examinacion uppon oath or without oath, or any other of the meanes aforesaid, to exa-

mine, fynd out, and informe yourselves what lettres patentes, grauntes, monopolies, commissions, or proclamacions, besides those which wee out of our princely care and providence have already directed to be suppressed or reformed, are now in force, or put in use or execucion within our said realme of Ireland, to the oppression or just greivance of our people there; and what courses, practices, and devises, either by coullor of authoritie or otherwise, and what fraudes, deceiptes, extorcions, and other corrupt meanes whatsoever, have byn used to the greivance, impoverishing, or oppression of our subjectes there, and by whome the same have byn used and putt in practise; and generally of all and every other matter, circumstance, and thing in any wise concerning the premisses, which to you, or any such eight or more of you, shalbe thought requisite for the better discovery of the whole truth in that behalfe; and alsoe to consider and sett downe by what just, lawfull, and honorable meanes the said courses, practises, devises, fraudes, extorcions, corrupcions, and deceiptes may be corrected, reformed, and amended. And likewise wee doe by these presentes give unto you, or any such eight or more of you as is aforesaid, full power and authoritie, by examinacion uppon oath or without oath, or by all or any other good wayes or meanes as aforesaid which you shall thinke most meete, to enquire and informe yourselves in what estate our courtes of justice within our said realme of Ireland now stand and be, and whether justice be therein duly administred without stoppe, interrupcion, or delaye, and whether the causes and

matters examinable or determinable in the ordinary courtes of justice be drawne hither to the councell table, or to any other place besides the ordinary courtes, and be there determined; and to consider how farr forth it may be fitt to continue, alter, or chaunge that course; and upon consideracion thereof had, to propose and sett downe what you hould most fitt to be done, that justice may have free passage and proceedinge, and the courtes of justice may be maynteyned in honor, and every court within his owne proper boundes, limittes, and jurisdiccion. And likewise wee doe hereby give unto you, or any such eight or more of you as aforesaid, full and free power and authoritie, by examinacion upon oath or without oath, or any other of the meanes aforesaid, to enquire and throughlie to informe yourselves in what state our army within our said realme of Ireland standeth at this present, whether the compaynes be full for the nomber, whither they be able men for their persons, whether soe placed as that they be in readines at an instant uppon all occasions, whether they depend wholie uppon that service or be alsoe fermors, reteynors, or others onely retorned and named, and are onely tyed to be readie when they shalbe called, and whether that be a safe waye for the defence of the kingdome, or what other waye is more safe and better for that end; and generally of any other matters and thinges concerning the premises which to you, or any such eight or more of you, shalbe thought fitt, and which may tend to the better setling of our said army for the defence of the said realme; and to consider, propose, and sett downe whether it be fitt to increase

the number of the said companyes, or the number of men in the said companies that now are or shalbe, and how our army in the said partes now is and hereafter uppon all occasions may be competently furnished against inward or outward hostilitie with armour, munition, cloathes, and other necessities, and how our charge for maintenance of our said armye may either now, or uppon further setling the plantacion within that kingdome, be borne without charge to our revenue and best assurance to the countrey. And further we doe hereby give unto you, or any such eight or more of you as is aforesaid, like power and authoritie, as well by examinacion upon oath or without oath as aforesaid, or perusall of the charters or grauntes made to the undertakers for landes within the said realme, and of the clauses, covenantes, agreementes and condicions therein, to discover and informe yourselves how the said covenantes, agreementes, and condicions have byn performed betwene us and our subjectes, either in matter of proffitt or safety, videlicet, in the quantitie of grounde, in payment of the rentes to us reserved, in the buildinges undertaken, in graunting or demising the landes or any part thereof to persons not capable thereof by tenor of the graunt, or in any other necessarie circumstance concerning the safety or proffitt of us or the kingdome; and likewise what persons have not performed their said covenantes and condicions, and whoe have comitted any actes contrary to the true meaning thereof; and of all other matters concerning the premisses which shalbe by you, or any such eight or more of you, thought fitt for the better ad-

vauncement of this our service and the good and safety of the realme; and to propose and sett downe what you thinke meete to be put in execucion concerning the same. And further wee doe hereby give unto you, or any such eight or more of you as is aforesaid, full power and authoritie, by examinacion uppon oath or without oath as aforesaid, and by all or any other lawfull ways or meanes as aforesaid, to enquire, examine, and informe yourselves what rights and revenues of our crowne, and especially such as are of great weight or consequence in respect of honor or proffitt within the said realme, have by any person or persons bynn indirectly or unduly drawne from us and converted or employed to private uses; by whome the same have byn done and to whose private use or proffitt, what the revenues soe divested amount unto, and what losse and damage the same hath byne to us; and to propose and sett downe how the same may be justly and honorably restored to the crowne, and satisfaccion given for the damage: and alsoe to enquire what great and notable wastes of woodes and tymber have there byne made, by whome and in what places, and for whose private respect; and to consider and prescribe how and by what meanes the tymber and woodes within that realme may hereafter be preserved. And likewise wee doe hereby give you, or such eight or more of you as is aforesaid, power and authoritie, by all or any the meanes aforesaid, to enquire and informe yourselves what offices, judiciall or ministeriall, within that kingdome have byn graunted in reversion, when and to whome, and of what validitie those and other grauntes of auncient offices be; and

whether the same be prejudiciall to us and our crowne, and how farr forth the same be prejudiciall; and likewise what new offices have byn there erected, and with what fees, and whether the same be convenient in creacion or execucion, and likewise what fees be either encreased or exacted and incroached to the grievance of the subject; to whome those offices have byn graunted, and what person or persons have taken, exacted, or incroached of or uppon the subject any fees to his grievance; and generally of all other matters, incidentes, and things concerning any the premisses which you shall thinke fitt. And likewise wee doe hereby give unto you, or any such eight or more of you, full power and authoritie, by examinacion upon oath or without oath, or by all or any other the wayes or meanes aforesaid, perfectlie and throughlie to enquire, fynde out, and informe yourselves of all and every the particular partes and heades of our revenue within the said realme, howsoever arising, and to compare the present tyme with the tyme past by casting upp of a medium of the last precedent seaven yeares, whereby you may see and understand which part decayeth and which increaseth, and if any decaie shalbe founde, to discover the causes thereof; and uppon consideracion thereof had, to propose and sett downe what you shall thinke fitt for the advauncement of our said revenue by diminucion of charge or other just, safe, and honourable meanes: and alsoe, by examinacion uppon oath or without oath, or any other the meanes or wayes aforesaid, to enquire and fynde out what debtes are owing by us within that kingdom, and to whome and uppon what groundes, and what

satisfaccion is meete to be given for the same, together with the meanes howe the same may be most speedily effected; and what debtes are owing to us within that kingdome, and by whome, and what fitt course may be taken for the speedy satisfaccion thereof. And whereas wee are informed that there is noe such use made of our principall secretaries within our said realme of Ireland as is proper to their place and fitt for our service; and forasmuch as they are ministers of special trust and imployment, and from whome we shall expect accompt from tyme to tyme of our affaires there; our pleasure is that (amongest the rest) you take this particuler into your consideracions, and deliver us your opinions how the moderne practise standeth with their auncient rightes: and to the end this our pleasure hereby signified may be the better effected, wee doe hereby require you our said commissioners, or such eight or more of you, from tyme to tyme diligently to intend the execucion of this our commission; and wee doe alsoe hereby give full power and authority unto you, or any such eight or more of you as is aforesaid, to cause to come before you, or such eight or more of you, all such person and persons as you shall thinke fitt to appeare before you for the better discovery of the truthe in any the premisses, and to cause all and every person and persons, as well such as are supposed to have offended in any the premisses, their servantes or agentes, as any others, to bring and shewe before you, or any such eight or more of you as is aforesaid, all and singuler such lettres patentes, proclamacions, commissions, war-rantes, recordes, orders, bookes, accomptes, entries, or

any other noates or writinges whatsoever remayning in their or any of their custodie, which you, or any such eight or more of you, shall thinke fitt and lawful to be produced, whereby the truth in the premisses may be the more playnely found out and discovered: and for your more ease and expedicion in the execucion of this our commission, our will and pleasure is, and wee doe charge and commaund hereby, that such of our officers and ministers whome you, or any such eight or more of you, shall thinke fitt and require, shall be ready and attendant uppon you, or any such eight or more of you, for the doinge and performing of any thing necessarie to be done in the execucion of this our service. And our further will and pleasure is, and wee doe hereby straightly charge and commaund you our said commissioners, or some such eight or more of you as is aforesaid, to certifie under your handes and seales in writing into our court of chauncery within this our realme of England, soe soon as you may conveniently, your whole proceedings herein, to the end wee may give such further direction therein as wee shall thinke fitt and to justice shall apperteine. And our will and pleasure is, and wee doe hereby authorize and require you, or any such eight or more of you as aforesaid, to enquire how our orders and directions lately given have byn observed or performed, and if it not performed, in whome the default lyeth, and thereuppon to make a certificate as for the rest; and these our lettres patents or commission, or theinrollement or exemplification thereof, shalbe unto you and every of you a sufficient warrant and discharge in that behalfe. And to the ende that noe

person may have just cause to complayne or be greived at yōur proceedinges in any the premisses, our pleasure is, that when and soe often as any examinacion of any person or persons shalbe by vertue of this commission taken uppon oath, that then and soe often, upon request made by the parties whome the matter soe examined shall concerne, you, or any such eight or more of you, may examine the same or any other witnesses either uppon oath or otherwise, for the defence of such person or persons making such request, if you, upon due consideration had, shall thinke it just and fitt. And lastly, our will and pleasure is, that this our present commission shall continue in force, and wee soe hereby authorise you our said commissioners, or any such eight or more of you as is aforesaid, to proceede in the execucion thereof, and of all and every matter and thinge therein conteyned, from tyme to tyme and as often as to you, or any such eight or more of you, shalbe thought convenient; albeit the same commission be not from tyme to tyme continued by adjournment. In witnes whereof, &c. Witnes ourselfe at Westminster, the 20th day of March.

Per breve de privato sigillo.

No. XXX.

CERTIFIED COPY OF A CHARTER OF MURAGE, GRANTED TO DUBLIN IN THE YEAR 1316 ; FROM THE ORIGINAL ROLL IN THE TOWER, LONDON.

Muragiū Dubliñ.—R. ballivis & p̄bis hōibz civitatis sue Dubliñ sal̄m. Sciatis qđ concessim⁹ voḥ *in auxilium ville vestre claudende nec non ad securitatem ville & parcium adjacentium* qđ à septimo die Aprīl p̄x futuro usq, *ad finem sex annorum* tunc p̄ximo sequentiū completoꝝ capiatis in villa p̄dca *de rebus venalibus* venientibz ad eandē consuetudines subscriptas, videlicet, de quolibet q̄rlio bladi venalis unū quadntem, de *quolibet equo & equa bove & vacca venali unum obolum*, de quolibet corio equi & eque bovis & vacce frisco salito aut tannato vendito unū quadrantē, de qualibet carecta ferente carnes salitas veñ tres obolos, de *quinque baconibus venalibus unum obolum*, de *decem parvis venalibus unum obolum*, de quolibet salmone frisco vendito unū quadrantē, de qualibet lampreda vendita ante Pascha unū quadrantē, de *decem ovibus capris vel porcis venalibus unum denarium*, de decem velleribz venalibz unū obolū, de centena pelliū oviū lanutaꝝ capraꝝ c̄ivoꝝ bissaꝝ damoꝝ & damaꝝ venat unū obolum, de qualibet centena pelliū agnoꝝ caprioloꝝ lepoꝝ & catoꝝ venat unū obolū, de qualibet carectata salis venat unū obolū, de quolibet sumagio salis veñ p eb-

domadam unū quadř, de quolibet suomagio pannoꝝ veñ unū obolū, de quolibet panno integro venali unū obolum, de centena linee tele canevač pannoꝝ Hibñ Galewyth & worstede venat unū denař, de quolibet panno de serico cum auro de samito diapre & baudekyn venat unū obolū, de quolibet panno de serico sine auro & chief de cendallo afforē venat unū quadř, de qualibet carectata piscis marini vend duos denař, de quolibet suomagio piscis marini vend unū quadř, de quolibet dolio vini vend tres obolos, de quolibet sumagio cinis venaliū unū quadrantē, de quolibet suomagio mellis venat unū obolum, de quolibet dolio mellis veñ tres deñ, de quolibet sacco lane veñ duos deñ, de quolibet trussello pannoꝝ venaliū ducto p carectam duos deñ, de quolibet suomagio panni venat vel aliaꝝ reꝝ divisaꝝ minutaꝝ venientiū ad dcam civitatem unū quadř, de qualibet carectata ferri venat unū denař, de qualibet carectata plumbi stagni eris & cupri venat duos deñ, de quolibet suomagio tanni veñ p ebdomadā unū quadř, de qualibet peisa cepi & uncti veñ unū deñ, de quolibet quartio wayde veñ duos deñ, de quolibet quartio de cork veñ unū oš, de quolibet qřtio de madir veñ unū oš, de qualibet centena de brasiff veñ unū deñ, de qualibet centena de alume & copose veñ unū oš, de duobꝫ miliaribꝫ cepaꝝ veñ unū quadř, de quolibet suomagio allei veñ unū oš, de quolibet miliari allecis veñ unū qđř, de qualibet centena bordi de sař veñ unū oš, de qualibet centena bordi quercini & estricñ veñ

unū deñ, de qualibet mola veñ unū oß, de quolibet q̃rtio salis veñ unū quadř, de quolibet quartio farine veñ unū quadř, de qualibet peisa casei & butiri veñ unū oß, de qualibet duodena suñagioꝝ carbonū veñ unū quadř, de qualibet bala corde-wani veñ duos deñ, de qualibet nave carcata busca veñ unū oß, de quolibet miliari clavoꝝ ad cumulū dōmus veñ unū quadř, de qualibet carectata busce veñ p ebdomadā unū oß, de quolibet suñagio busce veñ p ebdomadā unū quadř, de quolibet calderio ad braciandī veñ unū quadř, de qualibet centena ferroꝝ ad equos & clutoꝝ ad carectas veñ unū oß, de duobꝫ miliaribꝫ oñimodoꝝ clavoꝝ veñ exceptis clavis ad cumulū domus & ad carectas unū quadř, de quolibet lasto corioꝝ veñ sex deñ, de qualibet centena pipis veñ unū deñ, de qualibet centena amigdal veñ unū oß, de qualibet centena cimini veñ unū obolum, de quolibet fraello ficuū & racemoꝝ veñ unū oß, de qualibet centena zinzibis veñ unū deñ, de qualibet centena de aſio de pondere veñ unū deñ, de qualibet centena cere veñ duos deñ, de quolibet miliari cardonū veñ unū oß, de centena de bateria veñ duos deñ, de quolibet dolio picis olei & ter veñ unū deñ, de quolibet miliari grisei opis veñ sex deñ, de quolibet timbro pelliū squirelloꝝ veñ unū deñ, de quolibet timbro pelliū vulpiū veñ unū denař, de qualibet centena de muleweřl veñ unū deñ, de duabꝫ garbis aceri veñ unū quadř, de qualibet suñā vitri veñ excedente valorē vigintisolidoꝝ unū oß, de qualibet centena de stokfissh veñ unū oß, de qualibet

bala bugeti de Ispannia veñ unū deñ, de qualibet guttura lignea excedente valorem quinqꝫ solidorꝫ unū quadr̃, *de qualibet re venali veniente ad eandem civitatem & excedente valorem quinque solidorum UNUM QUADR'*. Et ideo voß mandam⁹ qđ pđčas consuetudines usque ad finem pđčoꝫ sex annoꝫ capiatis in forma pđča. *Completo autem termino illo dicte consuetudines penitus cessent & deleantur.* In cūjus &c. T. R. apud Hadleye vj^{to} die Junij.

p ipm Regem & peticōem de consilio.

No. XXXI.

VERDICT AGAINST THE CORPORATION OF NAAS FOR
HAVING MADE CERTAIN PERSONS FREEMEN WHO
HAD NEVER BEEN APPRENTICED, CONTRARY TO
THE ACT OF 10 HENRY VII.

Memord qđ pceptū fuit Vič coñ Kildař p bře dne Regine nunc sub sigillo hujus Scēij dat̃ xij^o die Maij ultimo pterito qđ non omit̃ &c. quin eam ingř & distř Nicĥm Walshe de Morton, Oliverū Woogan, Thomam Wogan, Jacobū Sainte Michell, Thomam Eustace, Patriciū Saunders, Patriciū Tipper, Joĥem Sherlock, Wiłmū Rochford, Joĥem Fitz Gerratte, Joĥem Rocheford, & Mauriciū Fitz Perce p omes terř &c. ita &c. in

octab̃ S̃c̃e Triniĩ hoc ĩm̃o ad inquirend̃ p̃ d̃na Regina de certis artiċlis eis p̃ Barones hujus Sc̃ij ex pte d̃c̃e d̃ne Regine administrand̃. Ad quem diem Viċ videt̃ Petrus Fitz Gerralde miles retor̃ b̃re p̃d̃c̃m unacū pannello de noĩbus Juĩ, & mandavit qđ Juĩ illi districti sunt p̃ terĩ &c. unde exiĩ &c. Et Juratores exacti veneĩ hic in p̃prijs p̃sonis suis & supinde pro d̃c̃a d̃na Regina in juratam illam jurati existunt; sup̃ quo p̃cessū est ad capcōem juĩ p̃d̃ p̃ Juratores modo compentes. Qui ad veritatem in p̃missis dicend̃ electi & jurati existunt & dicunt sup̃ sac̃m suū &c.

Qđ Riċus Bradshawe de le Nasse, Willmus Walshe, Edwardus Ashe, Jacobus Sherlock, Edwardus Sherlock, & P̃ius Graunte de le Nasse p̃d̃c̃a, *admissi fuerunt in libertat̃ & franchises ville predictę & facti fuerunt liberi homines juratores & fratres superioris ejusdem ville, nunquam existen' apprenticij in eadem contra formam cujusdam statuti de anno decimo nuper Regis Henrici septimi in ĩm̃oi casu nup̃ editi & proviĩ pretextu cujus superior burgenses & communitas ville predictę forisfecerunt DCC. marcas viz. pro quolibet personarum predictarum sic ut prefertur in lib̃taĩ admisso C. m̃c unde &c.*

No. XXXII.

BILL, WITH THE ROYAL ASSENT, AS TO BYE-LAWS
AMONGST FRATERNITIES OR GUILDS IN CORPO-
RATE TOWNS, DATED 1641.

An Act concerning By Lawes and Ordinances made
by Corporacions and Fraternities.

IN all humblenes wee, your majestie's loyall and obedient subjects of this your highnes' realme of Ireland, doe pray and beseech your most excellent majesty that it may be ordeyned and enacted by your majestie, with the assent and consent of the lords spirituall and temporall, and commons, in this present parliament assembled, as followeth, viz. Whereas divers and many ordinances and bylaws have been made by many and divers *private incorporacions or bodyes corporate within citties, townes, and boroughes, contrarie to the king's prerogative, his highnes' lawes, and common good of his subjectes*: be it therefore enacted, ordeyned, and established by our soveraigne lord the king's most excellent majestie, by and with the assent of the lords spirituall and temporall, and comons, in this present parliament assembled, and by the authority of the same, that *noe masters, wardens, nor fellowships of crafts, misteries, trades or occupacions whatsoever, nor any of them, nor any rulers of guilds or fraternities, shall from henceforth take upon them to make any actes, bylawes or ordinances, nor to exe-*

cutte any actes, bylawes, or ordinances by them or any of them heretofore made or hereafter to be made, in dis-heritance or diminucion of the prerogative of the king nor of any other, nor against the common profitts of the people, unless the same acts or ordinances be examyned and approved by the lord chancellor and lord treasurer of this realme, and cheife justices of either benches, and cheife baron of the exchequer, or three of them, or before both the justices of assizes in their circuit in the sheire where such actes, bylawes, or ordinances be or shalbe made, upon paine of forfeiture of ten pounds for every tyme that they shall doe contrarie. And moreover bee it enacted by the authority aforesaid, that none of the said bodyes pollitique or corporate take upon them to make any actes, bylawes, or ordinances, to restraine any person or persons to sue to the king's highnes or to any of his courtes for due remeady to be hadd in their cases, nor put ne execute any penaltie or punishment upon any of them for any such sume to be made, upon paine of forfeiture of tenn pounds for every tyme that they shall doe to the contrarie; and that all such bylaws made contrarie to this act shall be voyde and of none effect, any usage or custome heretofore used to the contrarie in any wise notwithstanding.

No. XXXIII.

[*Copy from the Original in the State Paper Office,
London.*]

HONORABLE SIR,

Understanding by a letter I lately received from thence, that my former letter unto you, with a draught of a letter inclosed, to be presented to his majestie, concerning the corporations in the province of Conaght, were mislaid, I have made bold to give you this second trouble, which I hope you will be pleased to pardon, the putting of the civill government of those corporations into persons' hands well affected to his majestie being of great importance to his majestie's service. Upon my first declaring in that province, in order to his majestie's happy restauration, I had some experience of the dangerous consequence of permitting any considerable number of Anabaptists or other phanatique to dwell in guarrisons of importance; for in Galway they were soe numerous as (had not I immediately after my declaring clapt upp the mayor, one of the sheriffs, and severall of the inhabitants, who, being phanatiques, refused to join with me,) they might have done us much prejudice, haveing laid a designe (as they afterwards confessed) to secure the towne for themselves, and to deale with me and such as should adhere unto me just as I had don with them. And such was their strength in Athlone, as I was forced to draw a considerable partie of horse and foot thither before I could gaine it, though the rest of

the province was then in my hands. I can assure you those places and all the cheefe corporations in that province are generally composed of such kind of persons as may prove equally dangerous to the restoration of the Irish papists. His majestie hath been pleased, upon an address of my Lord of Orrerye's, to take a course for the settlement of the corporations in Munster; and I looked upon it as a dutie incumbent on me to represent the inconveniences which may happen for want of the like course in Connaught: and therefore humbly begg you willbe pleased to take some fit oportunitie to present the inclosed to his majestie, and to returne me a signification of his majestie's pleasure therein (if conveniently you can) before Michaelmas day, that I may endeavour to prevent the settling of any magistrates for this year to come in those corporations, other then such as I know to be well affected to his majestie's service; and you will very highly oblige, Sir,

Your most faithfull humble servant,

(Signed) MOUNTRATH.

Dublin, Sept. the 16th, 1661.

The inclosed is a copie verbatim of my Lord of Orrerye's letter, the names of the person and province onely altered.

(Superscribed.)

To the Right Honorable Sir Edward Nicholas, Knight, his Majestie's principall Secretary of State, and one of the Lords of his Majestie's most honorable Privie Councelle, these. Whitehall.

[*Letter therein enclosed.*]

Right trustie and right welbeloved cuncellor, and right trustie and right welbeloved cousins and cuncellors, wee greet you well. Whereas an humble addresse hath been made unto us by our right trustie and right welbeloved cousin and cuncellor Charles earle of Mountrath, our president of our province of Connaught, in behalfe of all and every the corporations in that our said province of Connaught; setting forth how forward severall of the present inhabitants of those corporations were in the payment of their duties towards our restauration; and how by the late rebellion in that our kingdome, and the severall confusions in that our said province for many yeares past, the charters there are generally by the letter of the law forfeited unto us; and how much it does obstruct trade, manufacture, and the well peopling of the said corporations that their charters are not yet renewed by us, and therby made cleere and indisputable. And whereas our said president hath most humbly besought us that for the reasons above mentioned we would be graciously pleased at his humble suite to impower and require you, and by these our letters wee doe hereby will, authorize, and require you, forthwith to renew by letters patents under our great seale of that our kingdome of Ireland, all and every the charters of all and every the corporations in that our province of Connaught. And wee are further pleased, out of our royall bountie and clemency, to order *that all lands,*

leases, and other advantages whatever, which, before the 23rd of February 1641, lawfully belonged to any of the said corporations, be from hence forth enjoyed by them respectively, the better to support the dignity of their respective magistrates and the necessary charge of their said corporations ; for which you are hereby required and authorized to pass letters patent under our broad seale of Ireland, the better to secure and confirm the said premises unto them and every of them respectively, inserting such a clause therein as in your judgements you think fit, by which the said corporations shalbe *obliged to new build all such houses as are in the said corporations*, and which belong thereunto, within such a terme of yeares as you think reasonable ; our intention herein being onely to beautife the severall townes by handsome buildings, the charge of doing wherof will easily be borne by the corporations, who receive their rents accordingly. And whereas it was formerly found by very sad experience that nothing did more *obstruct the growth of trade and increase of manufacture* in that province then the power granted to the said corporations of restraining of all manner of persons, of what birth or nation soever, *to sett upp their trades and manufacture in the said citties, sea ports, and corporations, other then such as had served their apprenticeship in the said townes*, few of whose masters had ever attained the skill of working the native comodities of Ireland to such a perfection as to make them vendable in the said kingdome, much less beyond the seas, soe that the whole comodities of the said province were onely transported in kind, to the great im-

poverishment of the people therof, and this onely upon the accompt that noe forreigner, though an English man, should come and sett upp in their corporations, and soe take their trades out of their hands; you are therefore to insert such a clause or clauses in every of their patents as may reserve full power to the present cheife governor or governors of that our kingdome to admit as freemen into the said respective corporations such person or persons as they in their judgements shall find will by such admittance and their personall residence there improve and advance trade, commerce, and manufacture in any of the said corporations. Provided always, *that noe recorder or cheefe towne clerke in any of the said corporations shall enjoy the said office or offices but durning our pleasure,* signified by our cheife governor or governors for the time being of that our kingdome. Provided always, that upon the dismission of any such recorder or cheife towne clerk, the said corporations may nominate another person to execute the office or offices according to the forgoing limitation. Lastly, whereas it is requisit that, in the said respective charters to be renewed, some persons of approved loyaltie and abilitie be by name mentioned in the said charters *for the present magistrates, officers, freemen, and burgesses,* who may immediately execute the severall charges and trusts conferred on them and reposed in them, wee, reposing spetiall confidence in the fidelitie and knowledge of our said president of Conaght, doe hereby order and require you, that noe persons be mentioned by name in the said respective charters at the

renewall of them, but onely such as shallbe set downe under the hand and seale of our said president, and that all persons soe set downe by our president be inserted in the said charters respectively. For all which these our letters shallbe to you and to every of you a sufficient warrant. Given at our Court at Whitehall, the day of 1661, in the thirteenth year of our reigne.

No. XXXIV.

CORPORATION OF WATERFORD.

[*From the Waterford Chronicle.*]

ARTICLES of agreement between the Right Honourable *Sir John Newport, Bart. and William Newport, Esq.* on the one part, and *Harry Alcock and James Wallace, Esqrs.* on the other part, made, concluded, and agreed upon the 10th day of January 1818.

In the first place, Mr. Alcock and his friends pledge themselves to support Sir John Newport for *the representation of the city of Waterford* during the lifetime of the said Sir John Newport, or for such time as Sir John shall consider himself capable of efficiently discharging the duties of that situation. At the expiration of either event, Mr. Alcock to be supported by every exertion of the Newport family and their

friends in the future representation of said city during the life of said Mr. Alcock, and in the promotion of which Mr. William Newport pledges himself that his sons shall concur. And if it should happen that Mr. Alcock shall die before he shall be entitled to represent said city, or to become a candidate, according to the tenor and spirit of this agreement, then the said James Wallace shall *nominate* the candidate who shall be supported for the representation of said city for life, on the joint interests of both parties.

And after the death of said Harry Alcock, or such other representative, the Newport family to nominate the next candidate for a period of five years; then the other contracting party and their successors to nominate for the next five years; and so on alternately *for ever*.

Second—It is agreed that the *present vacancies*, occasioned by the death of the late Simon Newport, Esq. *in the council*, shall be filled by recommendation of said Harry Alcock, and on all future occasions the Alcock party to fill up their *own vacancies of councilmen*, and the Newport family to fill up their own and Bolton's; also the first vacancy in Bolton's aldermen to be filled by lot, the second to be filled by the unsuccessful party on that occasion, and the third to be determined by lot. And it being the intention of the contracting parties that the number of aldermen on either side shall be as equal as possible, on all future occasions the odd numbers shall be filled alternately.

Third—The contracting parties to elect alternately to the office of mayor, the next election being in the

Newport party ; and each party to nominate one of the sheriffs annually.

Fourth—The *present salary* attached to the office of master of the Leper House to be abolished, and the ancient salary of 6*l.* 13*s.* 4*d.* only to be annexed to it. All the offices held by the Bolton party during the pleasure of the corporation, or of which they can be legally deprived, to be withdrawn from them, and the salaries reduced where the places cannot be withdrawn, and to be placed in their respective classes, and filled up according thereto.

Fifth—The Newport party to fill up *the present vacancy of master of the Holy Ghost Hospital*, at its present salary of 6*l.* 13*s.* 4*d.* The Alcock party to nominate to the mastership of the Leper Hospital (on the removal of the present master), at the salary of 6*l.* 13*s.* 4*d.*

Sixth—The *church livings* to be disposed of in a separate class, and the first appointment which may occur *to be disposed of by lot* ; it being also understood that whenever a vacancy shall occur in the unions now held by the Rev. Mr. Wallis, the vicarage of Rathpatrick shall be separated from them, and united to that of Kilculliheen.

Seventh—The Newport party to nominate Alderman King to the situation of *chamberlain*, when it shall become vacant by the death of Mr. Murphy. Mr. Wallace, Mr. Alcock, or their representatives, to nominate to that office on Mr. King's death.

Eighth—The office of weighmaster to be held by a member of each family, and the vacancies to be

filled up by the family to which the deceased weigh-master belonged!!

Ninth—On the death of Mr. R. Cooke, the office of *salt and coal measurer* to be separated from the office of *town clerk and clerk of the peace*, and each to be placed in their respective classes; each party to nominate one of the water bailiffs, it being the intention that this office shall be divided.

Tenth—All offices under the corporation (except those already named, and the *recordership*, which is reserved for further consideration,) to be arranged under four distinct heads, or classes, according to their respective *value* or *annual income*. The first nomination in each class to be determined by lot, and the vacancies to be separately filled in each class by rotation on all future occasions. The entire arrangement above specified to be applicable to all places that may *at any future time be created*.

Eleventh—It being absolutely necessary that the corporation *expenditure* should be reduced *within its income*, the contracting parties pledge themselves to use their utmost exertions to accomplish that object as speedily as possible, and also to concur in rendering the *Leper Hospital*, as far as practicable, efficient for the general accommodation of the maimed and diseased of the city of Waterford and its liberties, under the inspection of a committee to be mutually named, but to act under the authority of the master.

Twelfth—No corporation property to be let or otherwise disposed of save by public auction, except in cases where the contracting parties may find it

eligible for public purposes alone! to deviate from this rule.

Thirteenth — All acts relating to the making of freemen, or in any way touching the government of the corporation and the city, to be done by the mutual consent of the contracting parties, so far as the same is not herein provided for.

Fourteenth — All matters of difference, if any should arise at any future period, between the contracting parties or their successors, to be at all times hereafter adjusted by two friends, to be appointed one on each side, and those four to have the power of calling in an umpire to their assistance, and their decision to be final; and if either party should refuse to abide by such decision, or shall without previously submitting his case to such decision depart from this agreement, that party shall be considered to have forfeited their honour, and thereby to have absolved their friends in council from all future support of that interest or party. The parties have hereunto annexed lists of their respective friends in council; and to the due performance of this agreement have mutually pledged their faith and honour in the most solemn manner as gentlemen, in the day and year first written.

(Signed) JOHN NEWPORT.
W. NEWPORT.
HARRY ALCOCK.
JAMES WALLACE.

Signed in the presence of
SAMUEL KING.
MICHAEL EVELYN.

First class — Water bailiff ; two officers — weigh-masters ; two officers — one in each family, to fill their own vacancies as they may occur. Hospitals already provided for ; but, on future occasions, vacancies to be filled alternately.

Second class — Church livings and master of the school to be filled by alternate recommendations.

Third class — All other offices not provided for in this general agreement, and exceeding *thirty pounds* annually, to be filled alternately.

Fourth class — All other offices of 30*l.* annually, and under, to be filled in like manner. The first vacancy in each class by lot, the second by the party who was unsuccessful.

(Signed) JOHN NEWPORT.
HARRY ALCOCK.
WM. NEWPORT.
JAMES WALLACE.

7th of Feb. 1818.

No. XXXV.

WRIT OF KING JOHN, ISSUED IN 1204, TO THE PRELATES, CLERGY, PEERS, AND CITIZENS, BURGESSES, ETC. OF IRELAND, FOR A PARLIAMENTARY SUBSIDY.

Rex &c. Archiepiscopis, Episcopis, Abbatibus, Prioribus, Archidiaconis, et universo clero per Hiberniam constitutis salutem. Satis nôstis sicut et totus mundus qualiter Rex Francie contra Deum et rationem et contra cartam suam et juramentum nos warrare et exheridationem nostram querere non cessat; Nos autem propter hoc venimus in Angliam gratia Dei sani et incolumes, ubi omnes de regno Anglie nos honorifice receperunt sicut dominum, qui liberaliter et benigne et habita consideratione ad urgentissimum negotium nostrum nobis efficax faciunt auxilium tam in veniendo corporaliter in servitium nostrum in Normandiam quam de militibus et pecunia. Quia igitur instat necèssitas q̃ nunquam nobis major emersit aut emergere poterit vos non consuetudinarie sed amabiliter rogamus quatinus sicut de vobis confidimus et sicut nos et honorem nostrum diligitis, *efficax nobis auxilium faciatis* in hoc necessitatis nostre articulo, sicut dilecti et fideles nostri Justiciarius Hiberniæ Walterus de Lacy, Archidiaconus Stafford, et alij nuncij nostri cum eis ad vos venientes, vobis dicent ex parte nostra vel aliqui ex illis si omnes interesse non possint, et tamen inde

facientes quod vobis perpetuo teneamur obnixiores et quod debeamus vos merito exaudire in negotiis vestris cum nos requisieritis. Et certissime sciatis quod nunquam nobis ab illo auxilium fieri postulabimus qui nobis in hac tanta necessitate auxilium denegabit. Teste meipso apud Nottingham, x. die Februarij.

Sub eadem forma scribitur *Comitibus, Baronibus, Justiciariis, Vicecomitibus, Militibus, Civibus, MERCATORIBUS, BURGENSIBUS*, et libere Tenentibus et omnibus alijs fidelibus suis per Hiberniam constitutis.

WRIT RECOGNIZING THE LEGISLATIVE AUTHORITY IN
THE BURGESSES OF IRELAND SO EARLY AS THE
YEAR 1244.

R. Justiciario Hiberniæ. De reddendo equalia pondera & mensuras per omnes civitates & villas terræ Hiberniæ. Hoc autem fieri faciatis *convocato prius consilio discretorum omnium Burgensium* de terra nostra Hybernæ.

WRIT TO THE PRELATES, PEERS, COMMONS, CITIZENS,
BURGESSES, ETC. OF IRELAND, IN THE YEAR 1254.

Rex Archiep̃is, Ep̃is, Abb̃ibz, Prioribz, Comitibz, Baroñ, Militibz, libis hominibz, *Civibus, Burgensibus, et omnibus aliis fidelibus suis*, tre sue Hib̃n sal̃m.—Mittim⁹ fr̃em Nic̃um de S̃co Neoto fr̃em Hos̃p̃ S̃ci Joh̃is Jerl̃m in Angl̃ ad ptes Hyb̃n ad exponend̃ võb una cum I. fil̃ Galfri Justic̃ ñro Hib̃n statum ñrm & tre ñre Vascoñ & picula nõb iminencia de hostili adventu Reġ Castell̃ qui nullo jure set potentia sua confisus terram ñram Vascoñ p̃ ip̃ius fortitudinem a manibz ñris auferre & a dñio regni Angl̃ segregare proponit universitatem ṽram quanta possum⁹ affectione rogantes q̃tinus nos & jura ñra talit̃ indefensa non deserentes nõb in tanto piculo constitutis q̃ntumcumq; in mundo poteritis *de gente et pecunia ad predictę terre nostre defensionem quam predictus Rex in manu forti in estate proximo futura hostiliter est ingressurus subveniat* qđ in ṽrm honorem ṽtet̃ sempiternum cum ex cont̃rio hujus negoç eventu non tantum nõb set singulis regni ñri & tre ñre Hib̃n p̃rum & rerum dampnũ imineat piculosum. Hiis ñris angustiis talit̃ compatiētes qđ nos & hered̃ ñri võb & hered̃ ṽris simus non imm̃ito obligati. In cujus &c. T. ut sup̃. xvij^o die Febr̃.

p REGINAM.

ANCIENT STATUTE PASSED BY THE THREE ESTATES
OF PARLIAMENT IN THE YEAR 1269; AS PUBLISH-
ED BY ORDER OF THE HOUSE OF COMMONS.

Provisum & statutum est de cōsilio dñi R. de Ufford Capitai Justiĉ Hibñ et alioꝝ fideiū dñi E. qui sunt perit̃ de ejus consilio & *de consensu* oīum Magnatum & *tocius communitatis Hibernie* quod una & eadem mensura cujuslibet generis bladi una & eadem lagena una & eadem pondera & una & eadem ulna sīt decetero per totam Hiberniam sc̃ sunt in civitate London constituta & approbata Et quod aliquis decetero qui aliqua vina habeat vendicōi exponenda, dolium vini non vendat nisi ad precium quo poterit dī m^a. lucri reportare. Et quod aliquis servientum qui bladium recipere debent & consueverunt pro pastu suo decetero non recipiat nisi mensuram bladi scit̃ quarterium London, ad duodecī septim̃. Et si aliquis serviens hoc contempserit & ad recipiendū negligens fuerit bene liceat dño suo illum per corpus suum castigare & imprisonare.

WRIT ISSUED IN THE YEAR 1275, TO THE JUSTICIARY, TO OBTAIN A GRANT OF REVENUE DUTIES FROM THE PRELATES, PEERS, AND COMMONS OF IRELAND; AS LATELY PUBLISHED BY ORDER OF GOVERNMENT.

Rex dilcō et fideli suo Galfro de Genvill Justiċ suo Hiċ salċm. Mittimus voċ formam noċ ab Archiepis Epiſ Abċibz Prioribz Comitibz Baronibz *Majoribus et tota communitate* regni nri de diċm marca de quolibet sacco lane et de diċm marca de singlis trescentis pellibz lanatis que faciunt unum saccum et [de] uñ marċ de quolibet lesta coriorum exeuntibus regnum nrm Angġ et ttram nram Walf liberaliter concessam pſentibus interclusam. Et quia volum⁹ qđ dicta consuetudo noċ in ttra nra Hiberñ concedat⁹ & silimodo capiatur: voċ mandam⁹ qđ Archiepos Epos Abċes Priores Coċm Barones *communitates et mercatores* de ttra pdċa modis quibz expedire videritis inducat⁹ ad concedendū noċ consimilem consuetudinem percipiendam in ttra pdċa in forma pdċa. Et Lucā de Luk et socios suos mċatores de Luk & Bonasiū Bonahucij & socios suos mċatores de Florence q⁹s ad dċam consuetudinem in terra pdċa colligendā et capiendā deputavim⁹ admittatis et sibi in omibz tam scilt super ordinacōe sigillorum nroꝝ que ad hoc fieri fecim⁹ et voċ transmittimus qđ super aliis que dċm negotium contingunt consulētes sitis et auxiliantes prout iidem mercatores

voſ ſcire facient ex parte nra. Et ita vos ſceatis in hoc mandato nro exequendo qđ diligenciam et circumspeccōem vram in pmissis merito cōmendare possimus. T. R. apud Westm̃ xxv^o die Maij.

Rex dilcō et fidel̃ suo Galfro de Genvill Justic̃ suo Hiſ salm̃. Mittim^o voſ formam nob̃ a quibusdam Magnatibz terre nostre Hiberñ concessam de dimidia marca de quolibet sacco lane et de diñ marca de singlis trescentis pellibus lanatis & de una marca de qualibet lesta coriorum exeuntibz vram nram Hiberñ percipiend̃ in singulis portubz terre nostre Hiberñ tam infra libtates quam extra per manus Custodum et Balliv^o nroꝝ ad hoc deputandoꝝ sigillis dcoꝝ Magnatoꝝ signat̃ voſ mandantes firmiter injungentes qđ consimilem formam sub nōibz Prelatoꝝ & alioꝝ Magnatoꝝ regni nri fieri & sigill̃ eoꝝ signari faciatis & mercatoribus nris quos ad dcam consuetudinem ibidem capiendā assignavim^o consulentes sitis et auxiliantes in premissis put̃ ip̃i vel eorum certi attornati voſ ſcire facient ex parte nra Et qualiter hoc mandatum nrm fueritis executi nos inde q̃acitius poteritis reddatis certiores. T. R. apud Westm̃ xxv^o die Maij.

WRIT, ISSUED IN THE YEAR 1282, FOR AN AID TO
BE GRANTED BY THE PRELATES, PEERS, COMMONS,
CITIZENS, BURGESSES, &c. OF IRELAND.

R. dilcō et fid suo Thome de Clare salt. Cum
uniṽsi & singli fideles nri inf^a regnū seu potesta-
tem nram constituti cum ipōꝝ subsidio indigueri-
mus nob cum opus fuerit subvēire teneantur &
nos propter motionem Walensium contra nos ad
eorum maliciam reprimendam pecuniam pluri-
mum indigeamus : Nos de fidelitate diligencia
& circumspeccōe v̄ra fiduciam gētes spālem voḥ
mandamus in fide & dilcōe quibz nob tenemini
firmiter injungentes qđ assūpto vobiscum dilcō
clerico nro Mağro Johē de Saunford Escaetore
nro Hibñ colloquium & tractatum heatis nomine
nostro cum Abbatibz Prioribz et alijs viris reli-
giosis *Civibus Burgensibus Mercatoribus ac Com-
munitatibus civitatum burgorum & villarum mer-
catoriarum* Hibernie aliisq personis de quibz in
lris nris patentibz quas voḥ & pfato Johi tⁿsmit-
tim⁹ mencio fca est sup mutuo pecunie ad opus
nrm divisim seu conjunctim faciendo juxta singlaꝝ
hujusmodi personarum seu cōitatū facultates &
ipōs diligenciori & cauōri modo quo poteritis ad
hoc moneatis & inducatis put ad opus nrm mağ
videritis expedire. Et ad pmissa facienda omibz
aliis negoç p̄termissis diligen^t intendatis. Man-
davim⁹ enim Abbatibz Prioribz & alijs psonis
p̄dcis put in dcis lris nris patentibz videre pote-

ritis plenius contineri quod voſ & pſato Joſi in hijs que ei dicetis de pmiſſis firmā fidē adhibeant & ea modis omibz expleant que inde eis dicetis ex pte nra. Mandavim⁹ eciam Juſtič nro Hiſn qđ ſinglis huj⁹ modi mutuū noſ ibidem facientibz tſas nras patentes ſub ſigillo nro quo in Hiſ utimur eis fieri fač dčm mutuū teſtificantes & certū ſolucōis terminū juč diſcrečoem ejusđ Juſtič assignand continentes. T. R. apud Thlangervon ij^o die Octobr.

Conſiles litte de verbo ad verbum dirigunt^r Māgro Joſi de Saundford qđ una cū pſato Thoma ad pmiſſa faciēda diligēť intendat in foř pđča. T. ut ſup^a.

Et mand est S. Waſfordeñ Epo Juſtič R. Hiſn qđ cū R. assignaſit pđčos Thomā & Magřm Joſhem ad mutuū ad op⁹ R. in tſa Hiſn noie R. contrahend qđ ſinglis qui R. ibidē hujusmodi mutuū fečint et ſibi p pſatos Thomā et Joſhem de ſumā mutui illius conſtet fieri faciat tſas R. patentes ſub ſigillo quo R. utit^r in Hiſn ſumām dči mutui teſtificantes & certū ſolucōis tminū juč ejusđ Juſtič diſcrecōm faciend continētes. T. ut ſup^a.

Et mand est Abbibz Prioribz et omibz viris religioſis Vič Civibus Burgensibus Mercatoribus Majoribus Ballivis et Communitatibus civitatum burgorum villarum mercatoriarum & omibz aliis fid Reč de tſa Hiſn qđ cū R. mandaſit pđčis Thome & Magřo Joſi qđ quedā ardua & ſpalia negoč R. que R. eis p tſas R. injūxit eis-

dem Abb̃tibz Prioribz &c. ex pte R. & noīe R. oreten^o exponāt & expedicōem eoꝝdē erga p̃dcōs Abb̃tes Priores &c. ut sup^a diligent^r p̃seq^{nt}r eisdem Thome & Joñi in p̃missis firmā fidē adhibeant & ea mod^o om̃ibz expleant que eis ex pte R. dicent de p̃missis. T. ut sup̃. Et s̃nt patentes.

FORM OF WRITS SENT BY THE KING OUT OF ENGLAND TO THE SEVERAL PRELATES, PEERS, ETC. OF IRELAND, WHEN HE WAS ABOUT SUMMONING THEM TO A PARLIAMENT, TO OBTAIN THEIR ASSISTANCE IN MONEY, MEN, AND PERSON, TOWARDS HIS FOREIGN WARS ; FROM THE CLOSE ROLL, 28 EDW. I.

R. dil̃co sibi in X̃po Custodi sp̃ualitatis archiep̃atus Dubl̃n sal̃m. Quia ad salvacōem corone ñre regie cōemq; regni & t̃raꝝ ñraꝝ utilitatem ordinavim^o & esse p̃ponimus in p̃ximo festo nativitat̃is S̃ci Joñis Bap̃te apud Karliolum cum equis & armis ad p̃ficiscend^o exinde cont^a Scotos inimicos & rebelles ñros ad eoꝝ rebellionem cū Dei auxilio rep̃mendā ad quod negociū cōmodius exequendū ṽri & alioꝝ fidelīū ñroꝝ subsidio indigem^o; fidelitatis ṽre constanciam requirim^o & rogam^o quatinus dil̃co & fidelī ñro Johanni Wogan justiciār ñro Hiñ cui plenius sup̃ p̃missis apuim^o mentem ñram velitis in hijs que võs exponet ex pte ñra fidem credulam adhibere et ea sup̃ quibz in hac pte ñro noīe vos requireret g̃titudine liberali complere sicut de võs confidim^o & ñrm diligitis cōmodū & honorem. T. R. apud Blidam xvij. die Januañ.

Consimiles litte dirigunt^r subscⁱptis archie^pis, e^pis, decanis & capi^tlis, abbatib³, priorib³, militib³, & ballis, & p^bis hōib³ villa⁴ subscⁱpta⁴ videlt. E^po de Cloñ,—Lysmo^r,—Loghlineñ. Archie^po Casselenñ. E^po Mideñ. Archie^po Tuameñ. E^po Cork,—Ossor. Archie^po Ardmach. E^po de Fernes,—de Kery. Elčo Dareñ. E^po Lyme^r,—Walfordenñ,—Lysmorensi. Decano & Capi^tlo Lysmoreñ,—Ecclie Ossorieñ,—Lymereñ,—de Fernes,—Tuameñ,—de Clon,—Dub^ln,—Casselenñ. Priori & Conventui Ecclie S^ce T^rinitatis Dub^ln. Decano & Capi^tlo Ecclie Dareñ,—Ecclie Loghlineñ,—Ecclie Keri^g. Abbati de Donbrochy,—de Wethe-
neye,—S^ce Marie Dub^ln,—de Tin^lne,—S^ci Thome Dub^ln,—de Dowisky,—de Magio,—de Mellifonte. Abbati & Conventui de Balkinglasse. Jo^hi filio Thome. Mauricio filio Thome. Jordano de Exonia. Wal^lo de Lacy. Reginaldo de Dene. Jo^hi de Barry. Petro filio Jacobi de Bermingeh^m. * Ro^lo Haket. Mauricio de Rocheford. Petro filio Meileri. Jo^hi de Cogan.

* There are no less than twelve special writs still remaining, which were issued by this king, his son and grandson, to the Barons Hackett, Lords of Hackettstown and Clonmore in the county of Carlow, calling them to parliaments, or to repair to the royal assistance with men and arms abroad, and on such other important public duties as the peerage of that day had to discharge. They are always summoned with the Earls of Desmond, Ormond, Kildare, and other potent peers; and in the reign of King James the First their names are in the list of ancient parliamentary peers which the chancery officer certified by order. The male descendant and present representative of the Barons Hackett is the author's friend, (and he feels pride and pleasure in calling him so,) Michael Hackett of Brooklawn, Esquire.

Galfro de Gienvill. Theobaldo de Verdun. Mauricio de Kaunceton. Wilfo de Barry. Edmo le Butiller. Mauricio de Carreu. Johi Mau-travers. Johi le Butiller. Eustachio le Poer. Georgio de Rupe. Johi le Poer. Bassis & p̄bis hōibz de Kilkenny. Majori & Bassis & p̄bis hōibz Wafford,—de Lymerik,—Dublin,—de Lymer. Bassis & p̄bis hōibz de Rosponte. Majori & Bassis & p̄bis hōibz Cork,—de Drogheda.

FORM OF WRIT ISSUED ON THE FOLLOWING DAY TO THE EARLS, BARONS, ETC. OF IRELAND, WHEREBY THE KING NOTIFIES THAT HE HAD APPOINTED THE JUSTICIARY, CHANCELLOR, ETC. TO SEEK FROM THEM A GRANT OF A SUBSIDY AND AID FOR THE SAME WAR.

Subsidium Scocie.

Edwardus Dei gr̄a Rex Anglie Dominus Hibernie & Dux Aquitañ, Comitibus, Baronibus, Militibus, et certis fidelibus suis per terram Hibernie constitutis salutem. Sciatis quod cum ad salvacōem corone nostre regie communemque regni et traꝝ nraꝝ utilitatem jam ordinavimus et eciam pponamus esse in proximo festo Nativitatis Bī Johis Bap̄te apud Karliolum cum equis et armis & subsidio magnatum & procerum nroꝝ ad pficiscendū exinde ad rebellionem Scotoꝝ inimicoꝝ et rebelliū nroꝝ cum Dei auxilio rep̄mendā, ad quod negociū comodius exequendū *vestro auxilio et subsidio* indigemus, dilcōs & fidelē nros Johē Wo-

gan Justiciarium nřm et Magřm Thořm de Cantok
Cancellarium nřm Hiř unacum Baronibz de scac-
cario Dublin assignavimus *ad petendum et requi-
rendum* noře nřro a voř & quolř vřm subsidium quod
ad tam ardui negotii felicem consummacōem ac nřri
et vřri commodum et honorem videbitur oportunum,
et ad omĩa alia & singla fač que pfati Justič Canč
et Barones seu aliqui ex ipīs quos ad hoc vacare
contigerit sup pmissis & ea . . . viderent facienda.
In cujus rei testimonium has lras nřras fieri feci-
mus patentes. T. meipso apud Blydam xvij^o die
Januař anno regni nřri xxviiij^o.

THE FOLLOWING MINUTE ACCOUNT OF THE GENERAL
PARLIAMENT HELD ACCORDINGLY IN DUBLIN, AT
EASTER THAT YEAR, IS SUBJOINED TO ONE OF THE
WRITS ON THE ROLL.

Mandavit & consimilia břia omĩbz civitatibus
& burgis per totam Hiř propter que Justič sum-
moř fecit GENERALE PARLIAMENTUM APUD DUBLIN^r
in quindeř Pasch, videřt quod prelati & magř
omnes venirent ibi in propriis personis &c. et qđ
communitates comitatum per duos tres vel qua-
tuor ad hoc per ipsos electos & specialem potesta-
tem habentes ac si omēs fuissent presentes, & simili-
ter *communitates civitatum et burgorum per duos
vel tres, &c.*

Set Justič ante Parliamentum illud decrevit
alloqui majores & probiores homines civitatum et
burgoř očcone predicti subsidij.

Et primo venit apud Drogheda sciſt in vigiſ
Dominice in Ramis Pal̃m ubi porrectis litteris dñi
Regis majori & communitati burgi illius p ipsum
dominum Regem directis, et habito cum eis super
hiis diligenti tractatu p̃d̃ci major baſſi & com-
munitas ex utraque parte aque ad promovend̃ bene-
volenciam dñi Regis & gr̃am de mercandis que
emerunt per monetas inhibitās &c. optulerunt
domino Regi cclx marcas, unde super villam ex
parte Uriet cc mar̃ et super villam ex parte
Mid lx mar̃. Et exinde p̃fatus Justiĉ circumivit
civitates & burgos &c. Et major baſſi & commu-
nitas civitatis Dublin concesserunt domino Regi
ad p̃d̃cm subsidium cc mar̃. Et cõitas burgi
Comitis Norf' de Ros concesserunt domino Rī ad
p̃d̃ subsid̃ xl'. Et civitas Regis Waterford c
mar̃. Et villata de Kilmydan in eod̃ comitatu
v'. Et villata de Balimethan in eod̃ com̃ c'.
Et villata de Stradbally in eod̃ com̃ quinque cen-
tenas piscium precij c'. Et villata de Dun-
garvan in eod̃ com̃ quindecim centenas piscium
preĉ xv'. Et cõitas civitatis R̃s Lymeſ xl mar̃.
Et villata de Imelagh in eod̃ com̃ xx mar̃. Et
civiſ R̃s de Corke cclx mar̃. Et villata Gilb̃ti fil
Thome de Clare del Youghall in eod̃ com̃ xl' et
quinque centenas piscium precij c'. Et villata
Archiep̃scopi Cassel de Cassel in com̃ Tip̃ xx'.
Et villata Otonis de Grandissono xii maſ. Et vil-
lata Prioris de Athissel vi maſ. Et villata Regis
del Carrik xl'. Et villata de Artfynan in eod̃
com̃ preĉ tenentes Hospitaſ xl'. Et villata del

Nenagh xl^s. Et villata de Modrifny i marč. Et villata de Thurles xl^s. Et villata de Fithard x marč. Et villata de Moydisshel in eod^m co^m xl^s. Et burgenš de Kilkenny xl^s.

Et postea ad p^dc^m parliamen^t veⁿi magnates & communitates in forma demandata & di^vsi de eis se excusantes a prestando subsidio pecierunt q^d Justiciari^{us} iret per patrias et ipsi libenter forent in auxilium quod communitates in propriis psonis suis concederent se prestare subsidium et ip^si magnates proce^{ss}u prela^t tunc cum eis contribuerent &c.

Et Justiciari^{us} eis consensiciens primo ivit apud Trym in libertate Galfri de Geynevill, ubi communitas veniens & habit^o cum eis diligen^t tractatu &c. concesserunt ad p^dc^m subsidium cc marč. Et in crastino communitas co^m Midie veniens ibidem pre^l Croceas &c. concesserunt similiter &c. cc marč. Et co^mitas Crocear^{um} Midie pre^l tenentes Abbatum de Mellefont & Dueleek & Archiepi^{us} Ardmač xx^s. Et tenentes p^dcⁱ Archiepi^{us} in Midia de teⁿ de Arkagh x marč. Et tenentes sui de Kilmoon x marč. Et tenentes p^dcⁱ Abbis de Mellifonte ex pte Midie xx^s. Et tenentes p^dcⁱ Abbis S^ce Marie de Dueleek xl^s. Et co^mitas co^m Loueth pre^l tenentes p^dc^oz Archiepo^z & Abbis de Mellifonte concess^{it} &c. lxxx^s. Et tenentes p^dcⁱ Archiepiscopi in p^dc^o co^m xx^s. Et tenen^t p^d Abbis in eod^m co^m xx^s. Et co^mitas co^m Du^b pre^l lib^{er}ates & tenentes Religio^s & Croc^{us} c^s. Et tenentes Croce^{us} Archiepi^{us} Dublin cum forinsecis tenentib^{us} de eod^m feodo apud Villam S^ci Sepulchri Dublin c

marč. Et tenenť Prioris Sđi Johis extra Novam Portam Dublin xl^l. Et tenentes Prioris Sđe Trinitatis Dublin c^l. Et tenenť Abbis Sđe Marię Dublin xl^l. Et tenentes Abbatisse del Hogges Dublin ii marč. Et tenentes Croč Ferneň xii marč. Et tenentes Croč Leighliň vi marč. Et tenentes Croč Osoř xx mař. Et cōitas libertať Weyš lxxx marč. Et tenenť de Offelmeth in libertate Katherť preť Abb. . . . Et tenentes Johis de Hastynges in Obey in eadť liťtate iv marč. Et tenentes de Obarcon in . . . liťtate cum villata de Katherť x marč. Et tenentes de Fethard in eadem libertate xx. . . Et tenenť de Odroon in eadť libertate xx marč. Et tenentes libertatis Kilkeň c^l. Et cōitas cōm Kildař c marč. Et cōitas cōm Waterford preť pđčas villatas c^l. Et cōitas cōm Cork preť villas mercatorias cc^l. Et cōitas cōm Lymeř preť villas mncatoř cc marč. Et cōitas cōm Typperař preť villas mncatoř cc^l. Et villata de Athdare in cōm Lymeř v marč. Et villata de Rathoel in eodť cōm xl^l. Et villata de Inskefry xl^l. Et villata de Et villata de Cromoth in eodť cōm v marč. Et villať de Kilmeh Et villata de Dermochin in eodť cōm j marč. Et villať de Any xl^l. Et villata de Grene xx^l. Et villata de Et sciendť qđ tenentes de Croceis Momonie concedunt quod ipi dabunt de suo qđntm de libalitate sua & non occone alicujus teň incroceať & sub tali forma qđ non voč consuetudinem alias &c. & eis conceditur.

WRIT ISSUED IN THE YEAR 1309 BY KING EDWARD THE SECOND, TO THE JUSTICIARY OF IRELAND, TO ASSEMBLE THE PEERS, &c. AND OBTAIN FROM THEM AN AID, &c. TO ASSIST THE KING WITH HORSES AND ARMS AGAINST THE SCOTCH, &c.

Dñs R. mandavit bñe suū sub p'vato sigillo Justiĉ Hibñ in hec verba.

Edwardus &c. Johi Wogan Justiĉ suo Hibñ saltm. Cum ad maliciā & p'lviam Robti de Brus inimici & p'ditoris nri & suorū cōplicū & fautorū qui magnam ptem terre nostre Scocie jam cont^a nos p'diconali^r occuparūt civitates villas & castra nra in p'tibz illis existencia obsidendo necnō incēdia dep'dacōes & homicidia inhumani^r cōmittendo cū Dei adjutorio virilit^r rep'mend diſsos Magnates & fideles nros Hibñ quorū noīa in quadam cedula voſ mittim^o p'sentibz inſclusa p'tras nras duxerim^o req'rendos qđ ipi in fō Nativitat' Sĉi Johis Bapt' pxio futu^r sint apud Novū Castrū sup Are cū equis & armis qnto potencius poſunt ad pficiscend exinde nobiscū & cū alijs fid' nris cont^a inimicos & p'ditores nros p'dcos ad iporū excogitatā maliciam repellendā & cū Dei potencia virilit^r contendam voſ mandam^o qđ tam dilcos & fid' nros Riĉm de Burgo Cōm Ultoñ, Edmund le Botiller, Johem fit Thome, & Eustach' le Poer quibz jam huj^o modi tras nras dep'catorias misim^o *quam alios Magnates & fideles nostros in predicta cedula nominatos coram vobis venire faciatis et in ipsorum omnium pre-*

sencia literas nostras predictas quas vobis mittimus singulariter singulis eorum quibus directe fuerunt liberetis instantes penes quemlibet eorūdem p se caučori & meliori modo quo videritis faciend qđ voř respondeat de eo qđ ad řri rogatū fače voř in hac pte. Et noř de responsionibz huj⁹ modi distincte & apte sub sigillo řro cicius quo pořitis constare fač. Et hoc nullatenus omittatis. T. me iřo apud Brustwyk xj^o die Novembř a^o ř ř ěcio. p bře de přvato sigillo.

[In obedience to which, the Justiciary issued his writ of summons for a general Parliament at Kilkenny, as appears by the following writ.]

Parliamentum de Kilkenny.

R. Ričo de Burgo Coř Ultoř salřm. Quia sup quibusdam arduis negociis nos & statū řre řre contingentibz vobiscū ěere volum⁹ t^octatū řpalem vobis mandam⁹ qđ sitis in ppř psoř řra apud Kylkenř die Lune in octabis Puř Bē Marie ad t^octand & pliamentand cū Justič řro Hibř & alijs de conř & cū cēřis pceribz & magnatibz řre řre sup eisđ negotiis. Et hoc nullaten⁹ omittař in fide qua noř tenemini. Et řeatīs ibi hoc bře. T. J. Wogan, &c. apud Duř viij^o die Jař anno ř ř ěcio.

Consimilia břia mandata sunt diřsis hōibz in Hibř videlt.

Joři de Barry.

Mauř de Rocheford.

Joři de Cogan.

Joř le Poer de Donyll.

Mauř de Carru.

Joř le Wyte Poer.

Robto de Barry.	Pño de Barry de Carrig-
Riço le Waleys.	donegan.
Jacobo de Ketyng.	Pño de Barry de Kalbarri.
Riço de Valle.	Wiffo Strangbowe.
Walfo de Valle.	Edm de Penbrok.
Wiffo de Sço Leodegař.	Hugoñ Byset.
Walfo le Bret.	Petro de Maundeviff.
Wiffo de Burgo.	Rogo de Sço Bosco.
Jordañ de Exoñ, senioř.	Michi de Kyltenan.
Jordañ de Exoñ, junioř.	Walfo Sarefyn.
Simoni de Genvill.	Hugoni de Balydovonald.
Riço de Exonia.	Henř of Clogher.
Nigello le Brun.	Wiffo Taaff.
Joñi de Staunton.	Joñi fiť Martini de Maun-
Walfo de Lacy.	deviff.
Hugoni de Lacy.	Ade de Logan.
Joñi Tuyt.	Pño de Lorquei.
Riço fiť Joñis.	Henř le Flemynge.
Walfo de Cusak.	Joñi Sargyl.
Joñi de Bonevyl.	Thome le Taillur.
Galfřo le Bret.	Matño fiť Hugoñ de
Regiñ Russel.	Hanewode.
Pño Xpofre.	Joñi fiť Alani de Logan.
Miloni de Curey.	Miloni de Eldoune.
Nicño fiť Maur.	Joñi Talbot.
Simoni Feypo.	Riço le Savage.
Riço Taaf.	Wiffo Calf.
Matño de Cauncetoñ.	Alano de Insula.
Wiffo de Cauncetoñ.	Wiffo Byset.
Reymūdo Lercedekne.	Georgio de Rupe.
Nicño de Curey.	Walť de Rupe.

Johi fit Th Lengleys.	Nicho le Blund.
Thome de Maundevill.	David de Sço Albino.
Hugoni Byset.	Richo Tuyt.
Johi Byset.	Willo de Londoñ.
Alano fit Warini.	Baldewyno le Flemyg.
Ptho de Maundevill.	Richo
Walto de Sey.	Miloni de Swordes.
Willo le Fyz Waryn.	Huhto Byset.
Thome le Fyz Wat.	Huhto le Waleys.
Pagano de Eledoune.	Johi de
Robto P'sone.	Johi

FORM OF WRITS OF SUMMONS ISSUED BY THE KINGS
OF ENGLAND TO THE PEERS OF IRELAND TO ATTEND
THEM WITH MEN, HORSES, AND ARMS IN THEIR
FOREIGN WARS OUT OF IRELAND; AS PRINTED FROM
THE CLOSE ROLL OF THE 15TH EDWARD II. BY
ORDER OF THE LORDS COMMITTEE OF THE HOUSE OF
LORDS IN ENGLAND.

R. dilco & fidei suo Riço de Burgo Coñ Ultoñ
salīm. Cum nup ordinavim⁹ esse Dño conce-
dente apud Novū Castrū sup Tynam in octab⁹
Sce Tnitatis p̄x futuř cum exēcitu nro & tote
svicio nob debito ad pficiscend exinde cont^a Scotos
inimicos & rebelles nros ad ipoř obstinatam mali-
ciam cum Dei adjutorio refrenand ac de vře fide-
litis constancia confidentes spantes eciam qđ p dcoř
inimicoř nroř maliciis rep'mend ac pace & t'nquil-
litate nob & vob ac populo dcoř regni & vře cont^a
ipoř inimicoř nroř jacula pvidend velletis vires
extendere & auxiliū apponē, quod possetis, vos

duxim⁹ requirendū quatinus manu armata tam equitibz q^m peditibz quanto decencius & potencius possetis vos pararetis & in obsequiū nr̄m p̄d̄c̄m cū eisdem veniretis ita qđ essetis apud Karl in octabis p̄d̄cis hōibz tam equitibz q^m peditibz sic muniti ad p̄ficiscendū exinde cū quibusdam fidelibz nr̄is quos ad locū illū tunc missuri essem⁹ cont^a d̄cos inimicos & rebelles nr̄os ad eoꝝ maliciam cū Dei adjutorio finali^r reprimendū, et qđ p̄missa ad sumpt⁹ v̄ros sicut nos & honorem nr̄m & v̄rm & comōdū d̄coꝝ regni & t̄re diligitis fac̄etis; ac jam in p̄senti pliamento nr̄o apud Eboꝝ a die Pasch̄ p̄x̄ p̄terito in tres septimanas convocato ad instantem requisicōem prelatoꝝ com̄ baronū & alioꝝ p̄cūm regni nr̄i nobiscū ibidem existenciū consideratis multis comōdis que nob̄ & magnatibz regni nr̄i qui nobiscū ad p̄tes p̄d̄cas in obsequiū nr̄m sunt ventur̄ p̄venire potunt ex progacōe d̄ci t̄mini aliquali d̄c̄m t̄minū octabaꝝ p̄d̄caꝝ usq̄ ad vigiliam Beati Jacobi apli p̄x̄ futur̄ duxim⁹ progandū vos affectuose requirim⁹ & rogam⁹ quatinus manu armata tam equitibz q^m peditibz quanto decencius & potencius pot̄itis vos petis & in obsequiū nr̄m p̄d̄c̄m cum eisdem veniatis, ita qđ sitis apud d̄cam villam Karlioli in vigilia p̄d̄ca ad p̄ficiscendū exinde cū fidelibz nr̄is p̄d̄cis cont^a inimicos & rebelles nr̄os sup^ad̄cos. Et p̄missa ad sumptus v̄ros, sicut nos & honorem nr̄m & v̄rm & comōdū d̄coꝝ regni & t̄re diligitis, sic decen^r et poten^r fac̄, qđ mediante Dei & v̄ro auxilio, negocia expedicōis guerre nr̄e p̄d̄c̄e

optatū sorciant^r effēm. Nos enim ad laudabilia
vra nob [ad] hec tempora impensa & in p^senti expe-
diōne nra impendend talem consideracōem habebim⁹
quod inde debebitis mīto contentari. Et de eo quod in p^rmissis facie velitis nob p vras iras &
latorem p^senciū constare fač. T. R. apud Eboꝝ
xv. die Maii.

R. dilcō & fidei suo Thome fil Johis Comiti de
Kildare salū. Cum nup ordinavim⁹ esse Dño con-
cedente apud Novū Castrū sup Tynam in octabis
Sce Trinitatis p^x futūr cū exēcitu nro & toto
svicio nob debito ad pfiscend exinde cont^a
Scotos inimicos et rebelles nros, ad ipōꝝ obstina-
tam maliciā cum Dei adjutorio refrenand, et de
vre fidelitatis constancia confidentes, sperantes
eciam qđ p p^rdcōꝝ inimicoꝝ nroꝝ maliciis rep^rmend
ac pace & tⁿquillitate nob & vob ac populō
dcoꝝ regni & vre cont^a ipōꝝ inimicoꝝ nroꝝ jacula
pvidend velletis vires extendere & auxiliū apponē
quod possetis, vos duxim⁹ requirend quatin⁹ equis
& armis qⁿto potencius & decencius possetis,
vos pararetis, & in obsequiū p^rdcēm ad vadia nra
veniretis, ita qđ essetis apud Karliolū in octab
p^rdcis ad pfiscend exinde cum quibusdam fide-
libꝝ nris quos ad locum illū tunc missuri essemus
cont^a dcos inimicos et rebelles nros, ad eoꝝ ma-
liciam cum Dei adjutorio finali^r rep^rmend, ac
jam *in presenti parlamento nostro apud Eboꝝ a
die Pasche proximo preterito* in tres septimanas
convocato &c. ut sup^a duxim⁹ progand vos affec-

tuose requirim⁹ & rogam⁹ q^atin⁹ equis & armis q^anto
 potencius & decencius potitis vos petis & in obse-
 quiū nrm p̄dcm ad vadia nra veniatis ita qđ sitis ad
 dcam villā Karlioli in vigilia p̄dca ad p̄ficiscend
 exinde cum fidelibz nris p̄dcis cont^a inimicos
 nros p̄dcos. Et hoc sicut nos & honorē nrm &
 vrm ac comōd dcoꝝ regni & t̄re diligitis, modis
 omibz fač. Et nichilominus dilco & fideli
 nro Johi de Bermyngeh^m, Comiti de Loueth,
 justic nro t̄re p̄dce in hiis que voř ex pte nra
 exposuerit viva voce fidem credulam [adhibeatis].

T. ut sup^a.

p ipm Regem.

Eodem modo mand est subscriptis videlt.
 Mauricio fit Thome. Wiffo de Burgo. Thome
 le Botiller. Johi de Barry. Arnaldo le Poer.
 Ričo de Waleys. Johi le Poer baroni de Donoift.
 Ričo de Maundeviff. Walfo de Cusak. Nicho de
 Verduno. Ričo de Tuyt. Georgio de Rupe.
 Henř de Vernoil. Wiffo de Caunceton. Mauri-
 cio de Rupe forti. Thome de Dene. Reymundo
 Lercedekne. Johi fit Benedci le Poer. Wiffo
 de Bermyngeham. Hugoni Laghles. Alano fit
 Warini. Ričo de Bermyngeham. Walfo de
 Valle. Wiffo de London. Miloni de Cogan.
 Henř de Rupe de Rouchre. * Wiffo Haket.
 Simoni de Geneviff. Howelo fit Stephi. Rořto
 le Sauvage. Walfo Wogan. Johi de la Rokele.
 Hberto de Marisco.

* See a note as to the Barons Hackett in a preceding page
 (ccxxxviii), under the Writ 28th Edward the First.

WRIT OF KING EDWARD THE THIRD, ISSUED IN THE
YEAR 1331, TO THE PRELATES AND PEERS AND CI-
TIES OF IRELAND, TO ASSIST HIS JUSTICIARY.

De assistend^t Justiċ Hibernie in consiliis & auxiliis.

Rex dilecto & fideli suo Willielmo de Burgo
Comiti Ultoñ salutem.

Cum constituerimus dilectum & fidelem nos-
trum Antonium de Lucy justiciarium nostrum
Hibernie & quosdam alios fideles nostros ad di-
versa officia ibidem gubernand^t; & de vobis fidu-
ciam habeamus quod pro bono regimine dicte
terre & conservacione pacis nostre ibidem opem
& consilium velitis apponere oportuna :

Vos rogamus attentè vobis nichilominus in fide
& dilectione quibus nobis tenemini firmiter injun-
gendo, mandantes, quod prefato justiċ nostro, &
aliis ministris nostris in dictis partibus, in hiis
que ad tranquillitatem populi nostri dicte terre,
& bonum regimen ejusdem pertinent, assistatis
consiliis & auxiliis opportunis, quociens per pre-
fatum justiċ ex parte nostrâ fueritis requisiti.

Dañ apud Croyndon xxvij die Febř.

Consimiles littere diriguntur subscriptis, vide-
licet, Jacobo le Boteler comiti Ormond.
comiti Dessemond. Priori hospitalis
Sancti Johannis Jerlm in Hiberniâ. Riċo Tuyt.
Simoni de Geneville. Willielmo de Bermyngham.
Archiepiscopo Ardñ tocius Hiberñ primati, —

Dublin, — Tweam, — Casš. Episcopo Mid. Eustachio le Poer. Henrico de Vernoille. Mauricio de Rocheford. Johanni fil Roberti le Poer. Reimundo le Ercedeakne. Waltero de Burgo. Episcopo Dunenš, — Conerenš, — Ardacañ, — Kildař, — Ferš. Ricardo de Maundevill. Civibus civitatis Dublin, — de Droghda, — de Waterford, de Cork, — de Limrik. Episcopo Leghelenš, — Waterford, — Lymeryk, — Cork, — Clonenš, — Emelaghenš, — Lessemoř.

WRIT OF SUMMONS FOR A GREAT COUNCIL IN IRELAND,
DATED IN THE YEAR 1359.

R. venřabili in Xpō p̃ri J. eadem gr̃a Archiepō Dub. Quia sup arduis negotiis nos intime cōnēntibz die Lune p̃x ante festū S̃ci Ambrosij p̃x futuř apud Dubliñ vobiscū cētisq; p̃latis magnatibz & p̃cibz t̃re ñre Hiš Deo duce consiliū h̃ere pponim⁹ & tractatū, voř in fide & dileccōe quibz noř tenemini firmit^r injungendo mandam⁹ quaten⁹ d̃cis die & loco psonaliter int̃sitis cū justic̃ ñro Hišn & aliis de consilio ñro cētisq; p̃latis magnatibz & p̃cibz p̃d̃cis sup p̃missis tractatuř ṽm̃q; consiliū impensuř. Et hoc sicut nos & honorem ñrm diligitis & vos erga nos indempnes švare volūitis nullatenus omittatis. Et h̃eatis ibi tunc hoc b̃re. T. Jacobo le Botiller Comite Dormond Justic̃ &c. apud Dubliñ xvij^o die Marcij.

p̃ ip̃m Just̃ & Cons̃.

Consimilia bñia dirigunt' subscriptis videñt.
 Eþo Mid, — Kildař, — Ferneñ, de essendo apud
 Dublin die þdčo.

Abbi Domus Bē Marie juxť Duř, Abbi Sčē
 Thome Martiř juxť Duř, Mauř Comiti Kildař,
 Joři Husee militi, Joři de Cusak miliř, Joři de
 Carrew miliř, de essendo aþd Duř die þdčo.

A'þo Cassel. Eþo Lysmore, — Laoneñ, — Ly-
 meř, — Imelaceñ, — Cloneñ, de essendo apud Wař-
 ford die Lune pĩ post festĩ Sči Ambroř pĩ futuř.

Geř fiť Mauř fitz Thořs nup Comit̃s Dessemoñ,
 David de Rupe militi, Joři de Rocheford militi,
 Ričo de Burgo militi, Joři fitz Nichol de Kerry,
 de essendo apud Wařford die þdčo.

Ričo Mlys Oweyn de Lymeř sub pena ducen-
 taz librař.

R. Majori & Ballivis civitař sue Duř, ř. Quia
 sup arduis &c. ut sup^a usq; ibi [tractatũ] exceptĩ qđ
 cetis ponet' ante pceribz et tunc sic vobis in fide
 & ligeancia quibz &c. ut sup^a mandam⁹ qđ duos
 de discretioribz civibz dčē civitatis qui plenam
 potestatem ģeant p cōitate dčē civitatis venire fač
 ad dčos diem & loč ad tractand ibidem sup p̃mis-
 sis cũ justič nř Hiřñ & aliis de consilio ģiro una-
 cũ p̃latis magnatibz & p̃cibz þdčis ad consenciend
 hiis que tunc ibidem p ģiris honore & coĩdo fa-
 vente Dño contigĩt ordinari. Et ģeatis ibi tunc
 noĩa ciřm þdčoř et hoc bře. T. ut sup^a.

Consimilia bñia dirigunt'

Majori señ & ballivis ville de Drogheda ex ut^aq^a pte aque, qđ veniř fač duos de discretioribz civibz &c. qđ sint ařd Dublin die řdčo. Majori & ballivis civitař Cork qđ compř fač duos &c. qđ sint ařd Wařford die Lune př post festř Sři Ambroř. Majori & ballivis civitař Lymeř. Majori & ballivis civitař Wařford. Supiori & bařis ville Kilkenř. Supiori & bařis ville de Rosse. Přposito & bařis ville de Clonmell. Přposito & bařis ville de Weyesford. Vič Kildař de venire fač David Nash & Rič Penkeston vel alios p . . . Et señ liřtař Kilkenř qđ venire fač David de Rocheford militē, & Thoř Shulhř vel alios pđs de essendo ad đm diem Lune př post festř Sři Ambroř ařd Wařford.

Consimilia břia dirigunt^r

Vič Duř — Vič Cař [Non veř řt excusat^r p Justř ppter guerram]. Vič Croč Mid — Vič Croč Kilkenř — Vič Loueth — Señ liřtatis Kilkenř — Vič Kildař — Vič Croč Weyř — Señ liřtař Mid — Señ liřtař Weyř qđ veniř fač duos de discretioribz militibz coř vel militibz p die Lune př ante festũ Sři Ambroř ařd Dublin.

Vič Croč Typař — Señ liřtař Typař — Vič Wařford — Vič Lymeř — Vič Cork qđ venire fač duos &c. qđ sint ařd Wařford die řdčo &c.

WRIT OF SUMMONS TO THE PARLIAMENT OF IRELAND,
DATED IN 1374.

Venſabili in Xpo pri M. eadem gĩa Archiepo
Ardm Quia diſſa fideli pplo . . .
. tra nra Hibñ in diſſis ptibz ejusdem tre
. quod absit niſi in pmiſſis remediũ
apponat' nos mento tocius conſilii nri
in tra pdca pinde & quibusdam aliis urgentiſ-
ſi ſtatũ ejusdem tre nre ſpali' conſentibz
quoddam plamentũ nrm apud Dublin ubi
. in octabis Sçi Hillaĩ pĩ futuĩ tenend' de
eoꝝ cõĩ aſſ ordinand' Et ideo voĩ in
fide et dileccone quibz noĩ tenemini firmi' injun-
gendo mandam⁹ quod ſup pmiſſis
cũ conſilio vos ipĩ in ppria
pſona vĩa et non p pcuratorem omĩ excuſacõe et
diſſone poſtpoſitis ibidem ad diem illum inſitis
ñentes tunc ibidem vobiſcũ ſufficientẽ potestate
de clero vĩro pdco ad conſentiend' tam p voĩ
qm p dco clero vĩro, necnon ad tractand' & con-
cordand' unacũ aliis prelatis magnatibz et pĩbz
ibidem ex cauſis pdcĩs comparentibz ſup hiis que
voĩ ex pte nra exponen' tunc ibidem. Et hoc
nullatenus omittatis. Et heatis ibi tunc hoc bře,
ſcientes p cto qđ ppĩ neceſſ
que jam urget non intendim⁹ nec volum⁹ pſonam
. ad diem illum quoquomodo excuſare
eo qđ negocia tunc tractand' abſq, pſencia vĩa
finem debitũ ſortiri poũnt caventes ne negocia
pdca p vĩram abſenciam ulcĩus retarden' vel

. quovismodo. T. p̄fato Guḡnatore,
apud Le Naas xx° die Novemb̄r.

p̄ ip̄m Guḡnatorem & Con̄s.

Con̄s b̄ria dirigunt^r Archiep̄is et Ep̄is subscrip-
tis de v̄bo in v̄bū sub eadem data videlicet.
Archiep̄o Dublin, — Cassaleñ, — Tuameñ. Ep̄o
Kildař, — Cork, — Lymeř, — Imlaceñ, — Ardferteñ,
— Leghlineñ, — Ferneñ, — Ossorieñ, — Lesmoreñ &
Wařford, — Laoneñ, — Duneñ. Vicario Gen̄ali
Ep̄i Mid. Vicař Gen̄ali Ep̄i Cloneñ. Custo-
dibz sp̄ualitatis Ep̄atus Con̄leñ sede vacante.

R. dil̄co sibi in Xp̄o Ab̄bi S̄ci Thome Martiris
juxta Dublin sal̄tm. Quia &c. ut sup^a usq; ibi
ordinand et tunc sic. Et ideo voř in fide &
ligeancia quibz noř tenemini firmiř injungendo
mandam⁹ qđ vos ip̄i in pp̄ria p̄soñ vestra & non
p̄ p̄curatorem om̄i excusacōe & dil̄one postpōitis
ibidem ad diem illum inřsitis, ad consentiend trac-
tand & concordand una &c. ut sup. T. &c. ut sup^a.

Consimilia b̄ria dirigunt^r Abbatibz Prioribz
subscriptis de v̄bo in v̄bū sub eadem data videlicet.
Ab̄bi de Mellifonte, — dom⁹ ře Marie juxta Dub-
lin, — de Balkynglas, — Jeriponte, — Tyn̄tne, —
Dowysky, — Dunbrothy, — Albo Tractu, — Magio.
Priori S̄ce Trinitatis Dublin, — S̄ci Petri jux^a
Trym, — de Conall, — Kenles in Ossoř, — Oim
S̄coř juxta Dublin.

R. dil̄co & fideli consanguineo suo Jacobo le
Botiller comiti Dormond sal̄tm. Quia &c. ut

sup^a usq, ibi ordinand & tunc sic. Et ideo voš in fide & homagio quibz noš tenēi &c. ut sup^a usq, ibi in ppria psona v̄ra, et tunc sic, omī excusacōe & dilōe postpōitis ibidem &c. ut sup^a. T. ut sup^a.

Consimilia b̄ria dir^r Comitibz Magnatibz & p̄cibz subscriptis de v̄bo in v̄bū sub eadem data videlicet. Mauricio Fitz Thomas comiti Kildař. Geraldo Fitz Morice comiti Dessemond. Thome Fitz John, — Patricio de la Freigne, — Walšo Cusak, — Thome Talbot, — Hugoni Byset, — Henř Savage, — Rošto de la Freigne, — Ričo de Burgo, — Joři Fitz Nichol, — Nicšo Castle-martyn, — Thome Tuyt, — Thome Brune, — Thome Vernail, militibus. Rožo Gernon. Ričo Taaf. Joři Taaf. Ričo Plunket. Joři Husee baroni de Galtrym. Joři Bedelewe. Mauř Fitz Richard. Thome Clifford, — Rošto Swetman, — Walšo Lenfaunt, — David de Barry, militibus. Walšo Lenfaunt. Nicšo Houethe. Ričo Verdon. Wišo de London, — Rošto Calf, — Simoni Cusak, militibus. Thome oge Botiller. Nicšo Poer. Pšo fit Wiši Barry. Galfřo de la Laund. Matšo Fitz Henry. Ričo Wyttey. Wišo Wellesley. Olivero Fitz Eustace. Galfřo Vale.

Consimilia b̄ria dirigunt^r psonis subscriptis qui sunt de Consilio Regis sub forma & data videlicet. Priori Hospitalis &c. Cancellar̄ Regis Hišň. Mağro Joři de Colton, theš Rošto de Preston, — Rošto de Holywood, militibus. Wišo Karlell, — Joři de Karlell, c̄icis. Joři

Keppok. Ričo Plunket. Johi Tyrrell. Henř Michell.

R. Vič Dublin salřm. Quia &c. ut sup^a usq; ibi ordinand et tunc sic. Et ideo tibi pcepim⁹ firmit^r injungentes qđ de cōi assensu cōitatis dēi cōm
 duos de pbioribz & leg
 ad laborand potencioribz qui plenam
 potestatem p se & possideant
 quos venire fač ad diem illū tunc ibidem ad consen-
 sciend tractand & concordand
 aliis ibidem ex causis pdcis comparentibz sup hiis
 que eis ex pte nra exponent^r tunc ibidem
 tu ipe in ppria psona tua ad diem illū sis
 ibidem ex causis pdcis. Et hoc nullatenus omit-
 tas. Et heas ibi tunc hoc bre. T. &c. ut sup^a.

Consimilia bria dirigunt^r vicecomitibz & senescal-
 lis libtatū subscriptis de vbo in vbū sub eadem for-
 ma & data vid^t. Vič Kildař,—Cath,—Loueth,—
 Walford,—Cork,—Lymeř. Senescallo libtatis &
 Vič Croč Ultoň,—Mid,—Weyš,—Typař,—Keř.

R. Majori & Ballivis civitatis sue Dublin
 salřm. Quia &c. ut sup^a usq; ibi ordinand et tunc
 sic. Et ideo voř mandam⁹ firmit^r injungentes qđ
 de cōi assensu cōitatis civitatis pdce eligi fač
 de melioribz et pbioribz & leg
 Civibz ejusdem civitatis & ad laborand poten-
 cioribz qui plenam potestatem p se & dca cōitate
 possideant quos venire fač &c. ut sup^a usq; ibi Et
 Et tunc sic Vos ipe

pfat̃ Major in ppria psona ṽra &c. ut sup^a usq;
ibi Et tunc sic h̃entes ibi noīa p̃dcoꝝ
Civiū & hoc b̃re. T. &c. ut sup^a.

Consimilia b̃ria dirig^r Majoribz Senescallis
Supioribz p̃pōitis & Ballis subscriptis sub eisdem
forma & dat̃ Majori & ballivis civi-
tatis sue Watford,—Cork,—Lymeñ. Majori señ
& ballivis ville sue de Drogheda ex ut^aq; pte
aque. Supiori & ballivis ville de Yoghill, —
Kynsale,—Rosse. Supiori p̃pōito & ballivis viñt
de Weyš. Supiori p̃pōito viñt de Kilkenñ.

DECLARATION OR ANSWER MADE BY THE CITIES AND
TOWNS OF IRELAND TO KING EDWARD THE THIRD,
WHEN HE SOUGHT THEIR ATTENDANCE IN HIS
PARLIAMENT AT WESTMINSTER IN THE YEAR 1376;
AS PRINTED BY DR. LELAND.

Answer of the City of Waterford.*

Prætextu istius brevis convocatis *Civibus & Communibus civitatis domini Regis Waterford*,
de communi assensu & consilio respondimus quoad
contenta in hoc brevi, quod non tenemur *juxta libertates privilegia jura leges et consuetudines civi-
tatis prædictæ, nec terræ Hiberniæ, aliquos de civi-
tate prædicta eligere, nec mittere ad partes Angliæ, ad Parlamenta seu Consilia in Anglia tenenda*;
tamen ob reverentiam domini nostri Regis Angliæ

* Dublin city answered; Drogheda, Waterford, Lymerick, Cork, Kilkenny, Rosse, Wexford, Youghal.

illustrissimi, & propter urgentissimam necessitatem dictæ terræ jam imminentem ad præsens; salvis nobis & terræ prædictæ magnatibus et communibus juribus privilegijs libertatibus legibus et consuetudinibus suis prædictis, concedimus W^{mo}. Chaundhull & Galfrido Forstalis, per nos electis ad proficiscendum ad partes Angliæ ibidem coram domino nostro Rege comparend, plenam potestatem ad tractandum consulendum & concordandum super salvatione & defensione & bona gubernatione dictæ civitatis ac terræ predictæ; exceptum tamen quod non concedimus prædictis nunciis seu electis ejusdem civitatis potestatem concedendi aliqua onera seu subsidia super nos seu cives et communes civitatis prædictæ ad præsens, & hoc tam propter paupertatem nostram quam propter misas & expensas ac sumptus quos quasi cotidie intallagiatos levand de prædictis communibus dictæ civitatis quam in aliis sumptibus & expensis quos circa defensionem civitatis prædictæ necessario apponere oportebit; quæ tamen licet juxta civium ac communitatis totius civitatis prædictæ posse apponantur, non sufficiunt ad decimam partem sumptus & expensarum quæ circa guerras ac resistenciam inimicorum & rebellium domini nostri Regis, civium ac communitatis, & defensionem ejusdem civitatis, apponi oportet, & ob causas prædictas & alias quam plurimas per prædictos electos seu nuncios civitatis prædictæ coram domino nostro Rege in Anglia declarandas, aliter ad præsens respondere non possimus.

TRANSLATION OF UNPUBLISHED STATUTE ENTERED
ON THE CHANCERY ROLL, DUBLIN, IN THE YEAR
1460, AS TO THE INDEPENDENCE OF IRELAND.

Also, at the request of the Commons, that whereas the land of Ireland is *and at all times hath ben corporate in itself of the antient laws and customes used in the same, free from the charge of any special law of the realm of England*, unless *only of such laws which by the LORDS SPIRITUAL AND TEMPORAL AND COMMONS OF THE SAID LAND have been held, admitted, accepted, affirmed, and proclaimed* in THE GREAT COUNCIL OR PARLIAMENT THEREOF, according to many antient statutes therein made. And whereas also, by the antient custome, privilege, and franchise of the said land, there is and always hath been the king's seal current, by which the laws thereof and also the king's subjects of the said land are guided and directed, which seal is called the seal of the said land, to which all the said subjects ought to bear loyal obedience; and it hath never been seen or heard that any person or persons inhabiting or residing in any other Christian country so corporate of itself should obey any commandment within the said land given or made under any other seal but the proper seal of its own, by which any person should be had or compelled by any such commandment to go out of the said land; and if such commandment were obeyed within the said land of Ireland, very great prejudice and derogation and most dangerous inconveniences would accrue to the said

land, contrary to the liberties and antient customs of the same, and most great and immense vexations would accrue to the subjects thereof, whereof many precedents of late days have come to pass and have so bin found. And moreover, that whereas any realm or land which hath within itself, of itself, a constable and marshall, no person of the said realm or land ought to sue or pursue any appeal or other matter determinable before the said constable and marshall before the constable and marshall of any other land, and that in such case such appeal or matter should take no foundation or effect; and that notwithstanding that there are within the said land, and of antient custome there have been, a constable and marshall, yet divers persons of the said land have oftentimes heretofore sued and trobled with great malice many of the king's subjects of the same land to be sent for to come into England by colour of such appeal, to the great derogation and prejudice of the said liberties and franchise: whereupon, the premisses being considered, it is ordained, enacted, and established in the said parliament, and by authority of the same, that hereafter no person or persons being within the said land of Ireland shall be compelled, by any commandment given or made under any other seale but the said seale of the same land, to answer to any appeal or any other matter out of the said land; and that no officer or minister of the said land, to whom any such commandment shall come, shall put the said commandment, or any proclamation or any other thing contrary or prejudicial to the said ancient customs, privileges, and fran-

chises, in execution, on pain of forfeiture of all his lands and goods which he or any other hath to his use within the said land, and, above this, of a thousand marks, one half to the king, and the other half to the party who will sue in this case against any officer or minister by writ of *scire facias*, or by any other action in the law in this behalf convenient. It is also ordained by the said authority, that every appeal of treason sued in this land shalbe determined before the constable and marshall of the said land for the time being, and within the said land, and in no other place ; and if any person hereafter shall appeal any other person within the said land, and the matter of the said appeal be found and proved not true, that then such person taking or commencing such an appeal shall thereby be adjudged to death, and that no pardon shall avail in that case.

CERTIFIED COPY, FROM THE TOWER, LONDON, OF
WRIT OF ELECTION ISSUED BY OLIVER CROM-
WELL FOR THE COUNTY OF DUBLIN, AND OF THE
RETURN THERETO.

OLIVER, Lord Protector of the Commonwealth of England, Scotland, and Ireland, and the dominions thereto belonging, to the Sheriff of the County of Dublin, greeting. In pursuance of the government of the commonwealth of England, Scotland, and Ireland, as it was publicly declared at Westminster,

the 16th day of December, in the yeare of our Lord 1653, and for other weightie and urgent affaires concerning us, the state, and defence of the said commonwealth; wee, by the advice and assent of our councell, have ordained a parlament to be held at our cittie of Westminster, in England, the 3rd day of September next coming, and there to consult and advise with the knights, cittizens, and burgesses of the said commonwealth. Wee command you, firmly enjoyneing, that proclamacion being made of the day and place aforesaid in every markett towne within the said county, you cause to be freely and indifferentlie chosen at Dublin, by them who shalbe present at such election, one of the most fitt and discreet persons to serve as knight, with his sword girt, for the said county; and the name of the same knight so to be chosen, whether he be present or absent, you cause to be inserted in certaine indentures thereupon to be made between you and them who shalbe present at such choice; and that you cause him to come at the day and place aforesaid, so that the said knight may have full and sufficient power for himself and the people of that county to doe and consent unto those things which then and there, by common councell of the said commonwealth in parlament (by God's blessing), shalbe ordeined upon the weightie affaires aforesaid, so that for defect of such like power, or by reason of improvident choice of the knight aforesaid, the said affaires may not remaine undone in anywise. And wee will, that neither you nor any other sheriff of the said commonwealth be in any wise chosen;

and that the said choice distinctly and openly so to be made you certifie to us in our chancerie of England, under your seale and the seales of them who shalbe present at such choice, sending unto us the other part of the said indentures annexed together with this our writt. And in your proceedings and execution hereof, wee will that you pursue and observe the severall directions lymitted, appointed, and prescribed by the government aforesaid. Witness ourselfe at Westminster, the xxviiiith day of June, in the yeare of our Lord 1654.

LENTHALL.

[In dorso.] The execution of the within writt appears by the indenture hereunto annexed, and

Dated the second day of August, 1654.

R^D. TIGHE, Sheriff.

This indenture, made the 2d day of August, in the yeare of our Lord 1654, at Dublin, in the countie of Dublin, betweene *Richard Tighe*, esq. sheriffe of the countie aforesaid, of the one part, and Sir *Hardrass Waller*, of Tallah, knight, *Theophelus Jones*, esq., *Daniell Hutchinson*, of Newtowne, esq., *Dudley Loftus*, of Rafarnam, esq., *Thomas Hooke*, of Kilsaghan, esq., *Charles Forster*, of Clonsogh, esq., *Raphell Hunt*, esq., *Ralph Wallis*, of Portrane, esq., *William Cliff*, of Castle Knock, esq., *Petter Wibrant*, of Terrels townne, esq., *Robert Persivall*, of Finglas, esq., *Robert Kennedy*, of esq., and divers other persons quallified and capeable to elect members to serve in parliament for counties, as is prescribed in the go-

vernment of the commonwealth of England, Scotland, and Ireland, witnesseth that proclamation haveing beene made in every markt towne in the countie aforesaid, within tenn dayes after the receite of a certaine writt of the lord protector, to the aforesaid sherriff directed, and to one parte of these indentures annexed, for the electing of one knight, a fitt and discreete person of the countie aforesaide, for the parlament of the said lord protector, in the writt aforesayde specified to be chosen, and to be at the parlament of the sayde lord protector, at Westminster, in the countie of Middlesex, the 3rd daye of September next to be held; the aforesayde Sir Hardress Waller, of Tallagh, knight, Theophilus Jones, Daniell Hutchinson, Dudley Loftus, Thomas Hooke, Charles Forster, Raphell Hunt, Ralph Wallis, William Cliffe, Petter Wybrant, Robert Persivall, and Robert Kennedy, and divers other persons of the countie aforesayde, who were present at such election, freelie and indifferentlie have chosen one knight, girt with a sword, that is to say, Collonell John Hewson, of Lutterrelstowne, esq. to be in the parlament aforesaid, as in the sayde writte is mentioned, who for himselfe, as also for the people of the countie aforesayde, have full and sufficient power to doe and consent unto those things which in the aforesaid parlament shall then and there by common consent and councell happen to be ordeined. *Provided, and it is heareby declared, that the person so chosen shall not have power to alter the government as it is nowe settled in one single person and a parlament.* In wnesse whereof,

as well the seale of office of the said sherriffe, as alsoe the seales of the electors aforesayd, the day, yeare, and place abovsayde, to these indentures are put and affixed.

Rd. Tighe, Sheriff.

HAR. WALLER.	RA. HUNT.
ROBT. KENNEDY.	RA. WALLIS.
DL. HUCHINSON.	WILLIAM CLIFF.
DU. LOFTUS.	THO. HOOKE.
THEO. JONES.	PETER WYBRANT.
CHA. FORSTER.	ROBT. PERSIVALL.

THE END.

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